

TOWN OF WAKE FOREST, NORTH CAROLINA

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ZONING ORDINANCE

Ordinance # 77-01
(Adopted January 13, 1977)
(Amended through January 17, 2006)

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***AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR THE
TOWN OF WAKE FOREST, NORTH CAROLINA, AND PROVIDING FOR
THE ADMINISTRATION, ENFORCEMENT AND AMENDMENTS THEREOF
AND CREATING A BOARD OF ADJUSTMENT IN ACCORDANCE WITH
THE STATUTES OF NORTH CAROLINA GOVERNING MUNICIPAL ZONING***

BE IT ORDAINED AND ENACTED by the Board of Commissioners of the Town of Wake Forest, North Carolina, as follows:

ARTICLE I. PURPOSE AND AUTHORITY

Section 1. Purpose

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, and other public requirements, and to minimize public and private losses due to flood conditions in specific areas. They have been made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community. In addition to zoning, regulations have been designed to restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities; require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters; control filling, grading and mineral extraction which may increase erosion or flood damage; or prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Section 2. Authority

The provisions of this ordinance are adopted under authority granted by the General Assembly of the State of North Carolina (General Statutes Article 19, Chapter 160A).

ARTICLE II. JURISDICTION

The regulations presented in this ordinance shall apply to all property within the corporate limits of the Town of Wake Forest, North Carolina, and within the territory beyond such corporate limits as now or hereafter fixed, for a distance of approximately one (1) mile in all directions, as established by an ordinance and map adopted by the Board of Commissioners in accordance with G.S. 160A-360, which are on file in the Office of the Register of Deeds of Wake County.

ARTICLE III. DEFINITIONS OF TERMS USED IN THIS ORDINANCE

Section 1. Interpretations of Commonly Used Terms and Words

1. Words used in the present tense shall include the future tense.
2. Words used in the singular number shall include the plural, and words used in the plural number shall include the singular, unless the natural construction of the wording indicates otherwise.
3. The word "*person*" includes a firm, association, corporation, trust company, as well as an individual.
4. The words "*used for*" shall include the meaning "*designed for*".
5. The word "*structure*" shall include the word "*building*".
6. The word "*lot*" shall include the words "*plot*", "*parcel*", or "*tract*".
7. The word "*shall*" is always mandatory and not merely directory.

Section 2. Definitions of Specific Terms and Words

1. ***Accessory Building or Use.*** A building or use customarily located on a lot in association with a principal building or use and incidental and subordinate to the principal building or use.
2. ***Alteration.*** The word "*alteration*" shall include any of the following:
 - a. Any addition to the height or depth of a building or structure;
 - b. Any change in the location of any of the exterior walls of a building or structures;
 - c. Any increase in the interior accommodations of a building or structure.
3. ***Alley.*** A minor right-of-way privately or publicly owned, primarily for service access.
4. ***Area of Shallow Flooding.*** A designated AO or VO Zone on a community's Flood Insurance Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

5. **Area of Special Flood Hazard.** That of and within a community and its extraterritorial jurisdiction in the flood plain which is subject to a one percent (1%) chance of flooding annually, i.e., the 100-year flood.
6. **Base Flood.** The flood having a one percent chance of being equaled or exceed in any given year.
7. **Basement.** That portion of any structure located partly below the average adjoining lot grade.
8. **Bed and Breakfast.** A private home offering bed and breakfast accommodations to eight (8) or less persons per night on a rental basis for a period of less than one (1) week.
9. **Boardinghouse.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.
10. **Buffer.** A combination of physical space and vertical element, such as plants, berms, or fences. The purpose of which is to separate and screen incompatible land uses from each other.
11. **Building.** Any structure enclosed or isolated by exterior walls or columns constructed or used for residence, business, industry or other public or private purposes, or accessory thereto. The term "building" shall be construed as if followed by the words "or parts thereof".
12. **Building, Accessory.** See *Accessory Building or Use*.
13. **Building Height.** The vertical distance from the mean elevation of the finished grade along the front of a building to the highest point of a flat roof, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
14. **Building, Principal.** A building in which is conducted the principal use of the lot on which it is located.
15. **Building Setback Line.** A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outer-most three (3) feet of any uncovered porches, steps, eaves, gutters, and similar fixtures, and the street right-of-way line or property lines when measured perpendicularly thereto.
16. **Building Separation.** The minimum horizontal distance between the outer-most vertical projection of any points on two adjacent buildings including balconies, steps, porches and similar fixtures, and excluding sills, eaves, and gutters.

17. ***Certificate of Occupancy.*** A statement, signed by the Zoning Enforcement Officer, setting forth that the building, structure, or use of land complies with the Zoning Ordinance of Wake Forest.
18. ***Child Care.*** A program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:
- a. Arrangements operated in the home of any child receiving care if all the children in care are related to each other and no more than two additional children are in care.
 - b. Recreational programs operated for less than four consecutive months in a year.
 - c. Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs.
 - d. Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches.
 - e. Public schools.
 - f. Non-public schools that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility, as defined in this ordinance, for less than six and one-half hours per day either on or off the school site.
 - g. Bible schools conducted during vacation periods.
 - h. Care provided by licensed facilities for the mentally ill, the developmentally disabled, and substance abusers (Article 2 of Chapter 122C of the General Statutes).
 - i. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment.
 - j. Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.

- k. Any residential child care programs such as foster care, orphanages, etc.
19. ***Child Care Facility.*** Any child care arrangement, including child care centers, family child care homes, and any other child care arrangement not excluded by the definition of “child care”, above, that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit. These facilities are licensed by the state
- a. **Child Care Center:** An arrangement where, at any one time, there are more than two children receiving child care in a non-residential setting.
- b. **Family Child Care Home:** A child care arrangement located in a residence where, at any one time, there is up to five preschool and three school age children (in addition to any related children living in the home), receiving child care and the home does not meet the above definition of a “child care center”. For the purposes of this ordinance, a family child care home is a legitimate home occupation.
20. ***Combination Use.*** A use consisting of a combination of two or more principle uses on a single lot of record, one of which is not an accessory use. Combination uses shall be permitted as described in Article IV, Section 19 of this ordinance.
21. ***Condominium.*** A dwelling unit owned as a single-family home within a multiple unit property together with an undivided portion of ownership in areas and facilities held in common with other property owners in attached townhouses, apartments, or other forms of residential structures. The common areas and structures may include underlying land, parking areas, recreation facilities, swimming pools, and in the case of an apartment house, hallways, basements, heating units and elevators.
22. ***Conference/Seminar/Retreat Center.*** A facility used for educational, professional, recreational, or religious purposes and may include facilities for overnight accommodation and food services related to and in conjunction with the stated purpose.
23. ***Critical water quality area:*** The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical water quality area is defined as extending from the shoreline of the reservoir or intake at the 100-year flood level, a distance of 2940 feet measured horizontally or to the ridge line of the water supply watershed, whichever is the shorter distance. Major landmarks such as highways or property lines may be used to delineate the outer boundary if these landmarks are immediately adjacent to the ridge line or 2940-foot line.
24. ***Curb Cut.*** A lowered or cutaway curb for purposes of ingress or egress to property abutting a public street.

25. ***Development Permit.*** A statement, signed by the Zoning Enforcement Officer, stating that the plans for a building structure or use of land complies with the requirements of the Zoning Ordinance of Wake Forest, North Carolina, the Wake County Health Department, and the North Carolina Department of Human Resources.
26. ***District Zoning.*** A section of the Town of Wake Forest within which the zoning regulations are uniform.
27. ***Drainageway.*** Any stream, watercourse, channel, ditch or similar physiographic feature draining water from the land.
28. ***Dwelling Unit.*** A building or portion thereof, providing complete and permanent living facilities for one (1) family. The term "dwelling" shall not be deemed to include a motel, hotel, tourist home, structure designed for transient residence.
29. ***Dwelling, Single-Family.*** A detached building designed for or occupied exclusively by one (1) family.
30. ***Dwelling, Two-Family.*** A building arranged or designed to be occupied by two (2) families living independently of each other.
31. ***Dwelling, Multi-Family.*** A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other, including apartment houses, apartment hotels, and group housing projects.
32. ***Easement.*** A grant of one or more of the property rights by the property owner for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures except when authorized by the Town.
33. ***Easement, Conservation.*** An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition.
34. ***Existing Development.*** For the purpose of water supply watershed protection, those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of May 18, 1993, based on at least one of the following criteria:
 - a. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or
 - b. Having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1), or

- c. Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).
35. ***Existing Manufactured Home Park or Manufactured Home Subdivision.*** A parcel (or contiguous parcels) of land divided into two or more ***manufactured home*** lots for rent or sale for which the construction of facilities for servicing the lot on which the ***manufactured home*** is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.
36. ***Expansion of Existing Manufactured Home Park or Manufactured Home Subdivision.*** The preparation of additional sites by the construction of facilities for servicing the lots on which the ***manufactured homes*** are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
37. ***Fair Market Value.*** The value of property or structures, as used in the definition of "substantial improvement" shall mean, as determined by the tax supervisor's office, either (a) before the improvement was started, or (b) if the structure has been damaged and is being restored, before the damage occurred.
38. ***Family.*** A number of persons living together as a single housekeeping unit.
39. ***Family Care Home.*** A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six (6) resident handicapped persons. For the purposes of this ordinance, a family care is a residential use of property provided that no facilities are located within a one-half mile radius of one another.
40. ***Flood or Flooding.*** (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the over-flow of inland or tidal waters, and 2) the unusual and rapid accumulation of run-off of surface waters from any source; (b) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual event which results in flooding as defined in 1. above.
41. ***Flood Control Works.*** Any man-made construction, such as a dam, levee, groin, or jetty designed to alter the flood potential of the body of water on or adjacent to which it is built.

42. ***Flood Hazard Boundary Map (FHBM)***. An official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.
43. ***Flood Insurance Rate Map (FIRM)***. An official map of a community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
44. ***Flood Insurance Study***. The official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Hazard Boundary-Flood way Map and the water surface elevation of the base flood.
45. ***Flood Plain***. Any normally dry land area that is susceptible to being inundated by waters of the 1% annual chance flood, i.e., the 100-year flood.
46. ***Flood-proofing***. A combination of structural and/or non-structural additions, changes, or adjustments to properties or structures subject to flooding which will reduce or eliminate flood damages to properties, water and sewer facilities, structures, and contents of buildings.
47. ***Flood Fringe Area***. That area of the flood plain lying outside the flood way but still lying within the area of special flood hazard, i.e., within the 100-year flood plain.
48. ***Flood way***. The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the velocity waters of the regulatory flood.
49. ***Front Line***. That side of a lot or building abutting on a street.
50. ***Frontage***. The lot boundary which coincides with a public thoroughfare or space. Also, the facade of a structure facing the street.
51. ***Frontage Line***. The portion of lot frontage which has a building or wall running parallel to it.
52. ***Greenway***. An interest in real property to the Town which provides for continuous public access and preservation of open space. Members of the general public have free access to and use of the green way. Greenway uses may include: walking, fishing, nature studies, bicycling, canoeing, jogging, and picnicking, but use and access of the green way, including that of the property owner, shall always be subject to the laws, ordinances and regulations of the Town. Within green ways, grading; excavation; dredging; the addition or removal of soil or other materials; the erection of buildings, signs, fences, drainage devices or structures; the removal, destruction or cutting of vegetation, trees or shrubs is prohibited except when authorized by the Town. The Town may erect trails, trail markers, place litter receptacles and other convenience facilities within the green way boundaries.

53. **Gross Leasable Area.** The floor area that can be leased by tenants, generally measured from the outside face of exterior walls to the center of walls separating tenants.
54. **Impervious surface:** The portion of land area which, due to modification by man, allows restricted or no infiltration of precipitation into the soil. Impervious areas shall include but not be limited to streets, driveways, parking areas, decks, patios, and rooftops.
55. **Junk Yard.** The use of more than six hundred (600) square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal or other junk, including the storage of automobiles or other vehicles or dismantling of such vehicles or machinery or parts thereof.
56. **Leasable Area.** Unless otherwise specified this term means “gross leasable area”.
57. **Live-Work Unit.** Small commercial enterprises with the ground floor occupied by commercial uses and a residential unit above. Commercial space may be a home-based business or may be leased independently.
58. **Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers with ingress or egress to a public street or alley.
59. **Local Street.** A local street is any link not a higher-order urban system and serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through traffic is usually deliberately discouraged.
60. **Lot.** A parcel of land having frontage on a public street or other officially approved means of access occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this ordinance.
61. **Lot, Corner.** A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot size.
62. **Lot Depth.** The average horizontal distance between the front and rear lot lines.
63. **Lot of Record.** A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Wake County or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.
64. **Lot Width.** The width of a parcel of land measured at the rear of the specified street yard.

65. ***Lowest Floor (including basement)***. Any floor used for living, which includes working, sleeping, eating, cooking or recreation facilities, or any combination thereof.
66. ***Major Thoroughfare***. Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.
67. ***Manufactured Home***. A structure that: (a) consists of a single unit completely assembled at the factory or of multiple principal components totally assembled at the factory and joined together at the site; (b) is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis; (c) is over forty (40) feet long and over ten (10) feet wide; and, (d) is originally designed for human occupancy and provides complete, independent living facilities for one family when connected to required utilities.

Class A Manufactured Homes (HUD Home): A manufactured home constructed after July 1, 1998 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction, has a HUD label attached, and that satisfies the following additional criteria:

- a. A length not exceeding four (4) times its width.
- b. A minimum of nine hundred (900) square feet of enclosed living space, or compatible with the neighborhood.
- c. The roof pitch has a minimum vertical rise of one (1) foot for each four (4) feet of horizontal run.
- d. The roof is finished with a type of shingle that is commonly used in standard residential construction.
- e. The roof structure provides an eave projection of no less than six (6) inches, which may include a gutter.
- f. The exterior siding is of wood, hardboard, vinyl, or other material that is comparable in composition, appearance, and durability to exterior siding commonly used in standard residential construction;
- g. The siding color is compatible with those on the immediate neighborhood and never with a reflectivity exceeding that of white paint; and a continuous permanent masonry foundation of brick, stone, or decorative concrete block, unpierced except for required ventilation and access, shall be installed around the entire perimeter of the home.

It is the intent of these criteria to ensure that a Class A Manufactured Home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family home.

Class B Manufactured Home (HUD Home): A double-wide manufactured home constructed to meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction and has a HUD label attached, but does not meet the criteria of a Class A ***Manufactured Home***.

Class C Manufactured Home (HUD Home): A single-wide manufactured home constructed to meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development authorized under the National Manufactured Housing Construction and Safety Standards Act of 1974 that were in effect at the time of construction and has a HUD label attached.

- 68. ***Manufactured Office.*** A structure identical to a manufactured HUD home except that it has been converted, or originally designed and constructed, for commercial or office use.
- 69. ***Mean Sea Level.*** The average height of the sea for all stages of the tide.
- 70. ***Minor Thoroughfare.*** Minor thoroughfares are important streets in the city system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.
- 71. ***Manufactured Home Park.*** A lot or part thereof, or any parcel of land of at least ten (10) acres which is used or offered as a location for two (2) or more manufactured homes used for residential purposes.
- 72. ***Manufactured Home Subdivision.*** A subdivision designed and intended primarily for sale of lots for residential occupancy by manufactured homes.
- 73. ***Modular Home.*** The term "modular home" denotes a self-contained assembly which is transported to a building site in sections and erected thereon. The term shall not be construed to include extra- wide or double-wide manufactured homes. Modular homes are constructed in conformance with the North Carolina State Building Code, and for the purposes of this ordinance, are treated identical to on-site, conventionally built homes.
- 74. ***Modular Office.*** A structure identical to a modular home except that it has been converted, or originally designed and constructed, for commercial or office use. As in the case of modular homes, for the purposes of this ordinance, modular offices are treated identically to on-site, conventionally built offices or commercial buildings.

75. **Multi-family Development.** A multi-family development shall consist of three (3) or more dwelling units on a single lot.
76. **New Construction.** Those structures the construction or relocation of which is begun after the date of adoption of this ordinance. New construction, for purposes of this ordinance, shall also mean a parcel of land used for manufactured homes for which the construction of streets, utilities, and site grading or pads is commenced after the date of adoption of this ordinance.
77. **Non-conforming Use or Structure.** Any use of a building, structure or land which does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments which may be incorporated into this ordinance.
78. **Official Maps or Plans.** Any maps or plans officially adopted by the Wake Forest Board of Commissioners.
79. **Open Space.** Any parcel or area of land or water within or related to a development, not in individually owned lots, but which is designed and intended for the common use of enjoyment of the residents of the development.
80. **Parking Space.** A graded and surfaced storage space for one (1) automobile, plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

Parking space sizes shall be governed by the following:

Angle Parking Minimum - 8.5 feet x 20.0 feet (measured parallel to the vehicle)

90% Parking Minimum - 9.0 feet x 18.0 feet

81. **Pedestrian-Oriented Street.** A street that is intended to serve as a primary pathway for pedestrians in both use and design. Such streets are typified by continuous uses along their primary frontages that maintain a pedestrian entrance. These are differentiated from auto-oriented streets where the posted speeds of the fronting thoroughfares, or the parking and/or loading requirements of the buildings (such as in the alleys) discourage pedestrian activity.
82. **Person.** Any individual or group of individuals, corporation, partnership, association, or any other organized group of persons, including state and local governments and agencies thereof.
83. **Planned Unit Development (PUD).** A land development project planned as an entity by means of a unitary site plan which permits flexibility in building site, mixtures in

building types and land uses, usable open space, and the preservation of significant natural features.

84. ***Planning Board.*** The Planning Board of the Town of Wake Forest.
85. ***Principal Building or Use.*** The principal purpose for which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.
86. ***Protected Area.*** The area adjoining and upstream of the critical water quality area in a WS-IV water supply in which protection measures are required. The Protected Area boundaries are defined as extending five (5) miles upstream and draining to water supply reservoirs (measured from the shoreline or the intake at the 100-year flood level) or the ridge line of the watershed (whichever comes first). Major landmarks such as highways or property lines may be used to delineate the outer boundary of the Protected Area if these landmarks are immediately adjacent to the outer boundary of five (5) miles.
87. ***Public or Community Sewage Disposal System.*** A sanitary sewage disposal system with 3000 gallons or more design capacity and/or whose effluent is discharged to surface water. This system shall be approved under rules and regulations promulgated by the North Carolina Department of Natural and Economic Resources, Division of Environmental Management.
88. ***Public or Community Water Supply System.*** An approved water supply system serving ten (10) or more residences or businesses or combination of residences and businesses, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications approved by the Sanitary Engineering Section, Division of Health Services, North Carolina Department of Human Resources.
89. ***Regulatory Flood.*** For purposes of this ordinance, a flood event having a 1% chance of occurring in any given year, although the flood may occur in any year, i.e., the 100-year flood.
90. ***Regulatory Flood Elevation.*** The crest elevation in relation to mean sea level expected to be reached by the regulatory flood at any given point in an area of special flood hazard.
91. ***Self-service storage facility.*** A building or group of buildings consisting of individual, self-contained units of varying sizes that are leased or owned for the storage of customer's goods or wares.
92. ***Service Station.*** A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles, excluding body working, overhauling, and painting.

93. **Setback Lines.** *See Building, Setback Line.*
94. **Shopping Center.** Two or more commercial establishments planned, and constructed, as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area which the unit serves. Shopping centers can be further defined by size and function;
- a. **Specialty Center:** A shopping center whose shops cater to a specific market and are linked together by an architectural, historical or geographic theme or by a commonality of goods and services.
 - b. **Neighborhood Center:** A shopping center that generally sells goods necessary to meet daily needs of adjoining neighborhood(s) and citizens within walking distance; occupies up to fifteen (15) acres of land.
 - c. **Community Center:** A shopping center that serves several neighborhoods. Provides convenience goods, personal services, sales of soft and hard line merchandise and usually features a variety store or junior department store; and has a site area of ten (10) to thirty (30) acres.
 - d. **Regional Center:** A shopping center that contains a wide range of retail and service establishments, occupies a minimum of thirty-five (35) acres, and draws its clientele from several area communities.
95. **Sign.** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
96. **Sign, Accessory.** An advertising device used to disseminate information concerning a person, place, thing, business, commodity, service, entertainment, or other activity, conducted, sold, or offered exclusively on the premises upon which said sign is located.
97. **Sign, Independent.** One advertising device used to disseminate information concerning a person, place, or thing, not pertaining to the use of the land upon which it is located.
98. **Sign Area.** The entire face of a sign and all wall work including illuminating tubing incidental to its decoration. In the case of an open sign made up of individual letters, figures, or designs, the spaces between such letters, figures, or designs shall be included as part of the sign area.

A "V" type back to back or double-face sign shall be considered as the area of a single face.

99. *Special Use.* A major development that would not be generally appropriate without restriction throughout the zoning district, but, which if controlled as to number, area, location, or relation to the neighborhood, would promote the health, safety, morals, general welfare, order, comfort, convenience, appearance, or prosperity. Such uses may be permitted in such zoning district by the Town Board as special exceptions if specific provision for such is made in this zoning ordinance.

100. *Start of Construction.*

- a. The first placement or permanent construction of a structure on a site, such as pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation such as clearing, grading, or filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- b. For a structure without a basement or poured footings; the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation for sites other than ***manufactured home*** parks, or the affixing of any prefabricated structure to its permanent site.
- c. For ***manufactured home*** parks which are equipped with concrete pads on which ***manufactured homes*** are to be placed, "start of construction" means the date on which the pouring of the pads has begun. For ***manufactured home*** parks which are not equipped with concrete pads, "start of construction" means the date on which installation of utilities and final site grading are complete.

101. *Story.* That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof. The under roof area with dormers does not count as a story.

102. *Story, Half.* A story which is situated in a sloping roof, the floor area of which does not exceed 2/3 of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.

103. *Stream.* A water course that collects surface runoff from an area of one square mile or greater.

104. **Street.** A dedicated and accepted public right-of-way for vehicular traffic which affords access to abutting properties for vehicular traffic.
105. **Structure.** A walled and roofed building, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. The term includes a building while in the course of construction, alteration or repair but does not include building materials or supplies intended for use in construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises. The words "building" and "structure" shall have the same meaning for the purposes of this ordinance.
106. **Substantial Improvement.** Any repair, reconstruction, improvement, or alteration of structure, the cost of which equals or exceeds 50% of the fair market value of the structure. Substantial improvement is considered to have occurred when the first alteration in any wall, ceiling, floor or other structural part of the building commences. The term does not include any repair, reconstruction, improvement, or alteration of a structure listed on the National Register of Historic Places. Substantial improvements, for purposes of this ordinance, shall also include for existing manufactured home parks the repair, construction or improvement of streets, utilities, and/or pads, the cost of which equals or exceeds 50% of the fair market value of the streets, utilities, and pads as determined by the Tax Supervisor before the repair, reconstruction or improvement has commenced.
107. **Telecommunications Towers.** A structure that is intended for transmitting or receiving radio, television, or telephone communications.
108. **Trailer.** Any vehicle or structure, not self-propelled, originally designed to transport something or intended for human occupancy for short periods of time, including the following:
- a. **Travel Trailer (House Trailer):** A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes, having a body width ten (10) feet or less or body length forty (40) feet or less and which may or may not have kitchen and bath facilities.
 - b. **Camping Trailer:** A folding structure mounted on wheels and designed for travel, recreation, or vacation use.
 - c. **Motor Home:** A portable, temporary dwelling to be used for travel, recreation, or vacation that is constructed as an integral part of a self-propelled vehicle.
 - d. **Tow Trailer:** A structure designed to be hauled by another vehicle and to transport vehicles, boats, or freight.

- e. **Pickup Coach:** A portable structure for use as a temporary dwelling for travel, recreation, or vacation, designed to be mounted on a truck chassis for transportation and to be used for a temporary dwelling while either mounted or dismounted.
109. **Use.** The purpose or activity for which the land or building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be occupied or maintained.
110. **Variance.** A modification of the existing zoning ordinance by the Town of Wake Forest Board of Adjustment when strict enforcement of this ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
111. **Water supply watershed.** The entire land area contributing surface drainage to a specific water supply. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the drainage area if these landmarks are immediately adjacent to the ridge line.
112. **Watercourse buffer.** An area along a watercourse which drains surface water from a watershed to a water supply. These areas shall be maintained in a natural, undisturbed state and no development, clearing, foresting or grading shall be allowed except as specifically permitted by this ordinance.
113. **Watershed management area.** The area adjoining and upstream of the critical quality area in a water supply watershed.
114. **Yard.** An open space on the same lot with a principal building, unoccupied and unobstructed by any structure from the surface of the ground upward except for drives, sidewalks, lamp posts, entrance steps, retaining walls, fences, landscaping, and as otherwise provided herein.
115. **Yard, Front.** An open space on the same lot with a principal building, between the front line of the building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot.
116. **Yard, Rear.** An open space between the rear line of the principal building (exclusive of steps) and the rear property line and extending the full width of the lot.
117. **Yard, Side.** An open space between the building and the adjacent side lot line, which is open and unobstructed from the surface of the ground upward, except as may be permitted elsewhere in the ordinance. The side yard extends from the rear line of the front yard to the front line of the rear yard, or to the appropriate property line if no front or rear yards are required by this ordinance.

ARTICLE IV. GENERAL PROVISIONS

Section 1. Application

The regulations set forth in this ordinance affect all land, every building and every use of land and/or building in the Town of Wake Forest and its extraterritorial jurisdiction as depicted on the Official Zoning Map and shall apply as follows:

A. New Uses or Construction

After the effective date of this ordinance, all new construction shall conform to the use, area and bulk regulations for the district in which it is to be located.

B. Conforming Uses

After the effective date of this ordinance, land or structures, or the uses of land or structures which conform to the regulations for the district in which it is located may be continued, provided that any structural alteration or change in use shall conform with the regulations herein specified for the district in which it is located.

C. Non-Conforming Uses

After the effective date of this ordinance, land, lots or structures, or the uses of land, lots or structures which would be prohibited under the regulations for the district in which it is located shall be considered as non-conforming. It is the intent of this ordinance to permit these non-conformities in their present condition to continue until they are removed, but not to encourage their survival. Non-conforming structures or uses may be continued provided they conform to the provisions of Section 2 below.

Section 2. Continuation of Non-conforming Uses

A. Minimum Lot Requirements

Minimum Single Lot Requirements: Where the owner of a lot at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, such lot may be used as a building site for a single-family residence in a district in which residences are permitted; provided, that the yard dimensions and requirements other than those applying to area or width or both shall not be reduced below the minimum specified in this ordinance and further provided if a septic tank is used that the Wake County Health Department has approved the dimensional requirements reduction. Variance from dimensional requirements other than those related to lot width and area shall only be granted by the Board of Adjustment in consideration of appeals from the decision of the Zoning Enforcement Officer and, when

applicable, if the Wake County Health Department submits a letter of approval. Minimum Multi-Lot Requirements: If two or more adjoining and vacant lots on record are in a single ownership at any time after the adoption of this ordinance, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district in which such lots are located. No portion of said parcel shall be used or sold which does not meet the area and width requirements established by this ordinance nor shall any division of the parcel be made which leaves any lot remaining with width or area below the requirements of this ordinance.

B. Extension of Use

Any non-conforming structure or non-conforming use of land or structure, shall not hereafter be enlarged or extended in any way which serves to increase the nature of non-conformity, except where the non-conforming use is a residential structure used exclusively for dwelling purposes, said structure is a permitted use and the proposed addition shall conform to all zoning requirements; and the total area of the addition shall be limited to twenty-five (25) percent of the area of the original non-conforming structure; and shall be used solely for residential purposes.

C. Change of Use

Any non-conforming structures or non-conforming uses of land or structures may be changed to any conforming use or with the approval of the Board of Adjustment, to any use or structure more in character with the uses permitted in the district. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.

D. Cessation of Use

If active operations are discontinued for a continuous period of twelve (12) months with respect to a non-conforming use, such non-conforming use shall thereafter be used only for a conforming use. Should any non-conforming structure or use of land or structure be moved for any reason for any distance, whatever, it shall hereafter conform to the regulations for the district in which it is relocated. No Class C manufactured home shall be removed for more than forty-eight (48) hours and replaced unless its lot and stand conform to the requirements of this ordinance.

E. Repairs and Alterations

On any building devoted in whole or in part to a non-conforming use or of a non-conforming nature due to placement on the lot or other reason, repairs and modernization are permitted provided that such repairs or modernization shall in no way serve to augment the nature of non-conformity. Nothing in this ordinance shall be construed so as to prevent the strengthening or restoring to a safe condition any building or part thereof declared to be unsafe by any public official charged with protecting the public safety, health and welfare

pursuant to orders of such official. Manufactured home parks existing at the time of the adoption of this ordinance shall not be allowed to expand or increase in any manner unless such expansion meets fully the requirements set forth in this ordinance. Any non-conforming structure wholly or partly within a flood way or flood way fringe may be flood-proofed according to methods and specifications set forth in the publication of the Office of the Corps of Engineers, U. S. Army, entitled Flood-proofing Regulations, a copy of which shall be kept on file in the Office of the Town Clerk.

F. Damage or Destruction

Should a non-conforming structure or non-conforming portion of a structure be destroyed by any means to an extent of more than 50% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

G. Temporary Non-conforming Uses of Land

Temporary non-conforming uses of land for carnivals and similar uses may be permitted according to the provisions of Article IX, Section 2.

H. Special Uses Not Non-conforming

Any use for which a Special Use is permitted as provided in this ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a permitted use in the district in which it is located, whether the use was in existence at the time of adoption or amendment of this ordinance or is initiated subsequently under the terms of a Special Use granted by the Board of Commissioners.

Section 3. Space Requirements

No part of a yard, court or other space provided around any building or structure for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other space required under this ordinance for another building or structure.

Section 4. Reduction of Lot and Yard Areas Prohibited

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Section 5. Maps

A. Official Zoning Map

The boundaries of each zoning district are shown on a map entitled "Town of Wake Forest Official Zoning Map" which is hereby made a portion of this ordinance. The Official Zoning Map shall bear the adoption date of this ordinance and the signatures of the Mayor and Town Clerk.

All zoning amendments affecting the material displayed on the Official Zoning Map shall be certified on this map by the Town Clerk along with the amendment date.

B. Flood Hazard Districts

The boundaries of the Flood Hazard Districts shall be determined by scientific and engineering studies prepared by the Federal Insurance Administration and the Soil Conservation Service of the U. S. Department of Agriculture. In case of a conflict between the two sets of studies, whichever study imposes the more stringent restrictions shall prevail. The results of the studies are plotted on an overlay to the Official Zoning Map. Boundaries for construction or use restrictions set forth within this ordinance shall be determined by scaling differences on the Official Zoning Map. Where interpretation is needed in order to allow a surveyor to locate the exact boundaries of the district as shown on the Official Zoning Map, the Zoning Enforcement Officer shall initially make the necessary interpretation based on flood profile information.

Section 6. Interpretation of District Boundaries

When uncertainty exists with respect to the boundaries or districts as shown on the Official Zoning Map, the following rules shall apply:

A. Delineation

District boundary lines are generally intended to be along or parallel to property lines, lot lines, the center line of street, alleys, railroads, easements, other rights-of-way, and creeks, streams, or other water channels.

B. Official Zoning Map

1. In the absence of specified distances on the map, dimensions or distances shall be determined by the scale of the Official Zoning Map.

2. The boundaries of the floodway and the floodway fringe shall be determined from the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the zones shown on the Official Zoning Map with respect to flood hazard boundaries, as for example where there appears to be a conflict between a mapped boundary and actual field conditions existing prior to the adoption of this section, the Board of Adjustment, upon recommendation by the Town Engineer, shall make the necessary interpretation and direct that map zone boundary corrections be made where it finds that such are required. In such instances, the regulatory flood elevation as determined by the studies prepared by the Federal Insurance Administration of the U. S. Department of Housing and Urban Development and the Soil Conservation Service of the U. S. Department of Agriculture. In case of a conflict between the two sets of studies, whichever study imposes the more stringent restrictions shall prevail. Any person contesting the location of the zone boundary shall be given a reasonable opportunity to present his/her matter to the Board of Adjustment.

C. Board of Adjustment

When the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries of this ordinance.

Section 7. Interpretation of District Regulations

Uses not designated as permitted uses shall be prohibited. Additional uses where in character with the district may be added to the ordinance by amendment.

Section 8. Conflict with other laws

Wherever the regulations made under authority of this ordinance require a greater width or size of yards or courts, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than that required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this ordinance shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yard or courts or require a lower height of building or a less number of studies or require a greater percentage of lots to be left unoccupied, or impose other standards than are required by the regulations made under authority of this ordinance, the provisions of such statute or local ordinance or regulation shall govern.

Section 9. Civil Remedies and Equitable Relief

A. Civil Remedies

1. **Injunction and Order of Abatement.**

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is occupied or used in violation of the General Statutes of North Carolina, this ordinance, or other regulation made under authority conferred thereby, the Town of Wake Forest (or any adjacent, nearby, or neighboring property owners who would be affected by such violations), in addition to other remedies, may apply to the District Court, Civil Division, or any other court of competent jurisdiction, for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other on the property to be closed, demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt and the Town may execute the order of abatement. The Town shall have a lien on the property for the cost of executing an order of abatement.

2. Civil Citation

Pursuant to G.S. 160A-175, the regulations and standards of this ordinance may be enforced through the issuance of civil citation penalties by the Zoning Enforcement Officer if it is determined that a person has failed to comply with the provisions of this ordinance. Violations shall be corrected within ten (10) days of the issuance of a warning citation. If the violation is not corrected within the specified time period, a citation subject to a civil penalty shall be issued. The Town may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within seventy-two (72) hours after being cited for a violation. In addition, failure to pay the civil penalty within seventy-two (72) hours may subject the violator to an additional citation and/or criminal charges.

The following civil penalties are established for violations under this section:

Warning Citation	Correct Violation Within 10 Days
First citation	\$ 25.00, Correct Violation Within 10 Days
Second citation for same offense	\$100.00, Correct Violation Within 10 Days
Third citation for same offense	\$250.00, Correct Violation Within 10 Days
Fourth and subsequent citations for the same offense	\$500.00 Per Day That Violation Continues To Exist

Subsequent citations for the same violation may be issued by the Zoning Enforcement Officer once the initial warning citation has expired. Each day which the violation continues upon the issuance of the fourth citation may subject the violator to additional citations. The violator may seek an appeal to the actions of the Zoning Enforcement Officer through the Board of Adjustment within thirty (30) days of the initial notice of violation.

If the Zoning Enforcement Officer notifies a party of a violation and that violation is remedied but subsequently reestablished within a period of 180 days thereafter, a warning citation shall not be reissued. Rather, this shall be considered a continuation of the violation and the zoning administrator shall have the ability to immediately issue citations with monetary penalties as if the cessation had never occurred.

B. Equitable Relief

The Town of Wake Forest may apply to the District Court, Civil Division or other court of competent jurisdiction for an appropriate equitable remedy. It shall not be a defense to the Town's application for equitable relief that there is an adequate remedy at law.

Section 10. Criminal Penalties

Any person violating any provisions of any article of this ordinance, or who shall violate or fail to comply with any order made thereunder; or who shall continue to work upon any structure after having received written notice from the Zoning Enforcement Officer to cease work, shall be guilty of a misdemeanor and punishable by a fine not to exceed fifty dollars (\$50). Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to such owner, the agent of the owner, or the contractor and left at his known place of residence or place of business.

Section 11. Enforcement

A. Enforcement Authority

This ordinance shall be enforceable in accordance with provisions available in the General Statutes of North Carolina Chapter 160A Section 175.

B. Combination of Remedies

The Town may choose to enforce this ordinance by any one, all, or combination of the above procedures.

Section 12. Separability Clause

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 13. Site Plan Review Requirements

1. A development plan shall be filed by an owner or developer of property, with the Town Planner and must be reviewed by the Planning Board and approved by the Board of Commissioners in each of the following instances:
 - a. Any planned unit development
 - b. Any multi-family development
 - c. Any business park
 - d. Any shopping center
 - e. Any industrial park
 - f. Any subdivision of land not eligible under the administrative procedure approval process, as defined in the subdivision regulations
 - g. Any hospital
 - h. Any rest home
 - i. Any development deemed by the Board of Commissioners to be of sufficient size to require development plan approval.
 - j. Any development with a building height exceeding 35 feet.
 - k. Any development in Renaissance Area Districts.
2. Development plan approval shall follow the procedure outlined in Article VIII of this ordinance and the procedure specified in the subdivision regulations. Any of the above developments omitted from Article VIII and not considered a "subdivision" shall follow the following procedure.
3. **Procedure:**
 - a. Development plans shall be submitted to the office of the Town Planner in accordance with current Town policy, schedules and procedures. Plans not received by this deadline shall not be considered for review at the next Planning Board meeting.
 - b. Development plans shall be reviewed by the Planning Board who shall make a recommendation thereon. Final action shall be made by the Board of Commissioners.
 - c. The development plan shall be prepared and certified by a registered land surveyor and shall be titled a "Master Land Use Plan".
 - d. Twenty (20) prints of the development plan, at a scale of one (1) inch to one hundred (100) feet or larger, together with all information required by this ordinance, shall be submitted.
 - e. All plans shall be 24"-36" x 20"-24" and shall follow the layout in Detail 1.

- f. No building permits shall be issued until the development plan has been approved by the Board of Commissioners and construction drawings have met the approval of the Town Engineer.

4. Information Required.

a. Plot and location plan with:

- 1) Location and dimensions of building(s) on site showing distance to side lot lines and center lines of adjacent streets.
- 2) Location and dimensions of proposed and existing driveways and curb cuts on site and adjacent properties.
- 3) Location and general design of proposed and existing sidewalks and open space with existing plant material and proposed landscaping.
- 4) Location and dimensions of proposed and existing surface parking and loading areas.
- 5) Existing and proposed widths of any streets and sidewalks adjoining the tract giving right-of-way and pavement widths.
- 6) Front, side and rear yard setbacks.
- 7) Proposed elevations at control points such as driveways, ramps, etc.
- 8) Zoning of the tract.
- 9) Owner.
- 10) Vicinity map showing location of tract at scale of not less than one (1) inch equals two thousand (2,000) feet.
- 11) Certified topographic map of parcel at a minimum two (2) foot contour interval, showing existing and proposed contours.
- 12) Provisions for the adequate disposition of natural and storm water in accordance with the adopted designed criteria and standards of the Town indicating location, sizes, types and grades of ditches, catch basins, and pipes, connections to existing drainage.
- 13) USC and GS Datum used for all elevations and showing location and elevation of benchmark used.
- 14) The development plan shall be accompanied by a soils map at the same scale as the drawings showing proposed improvements.
- 15) Provisions for adequate screened or planted buffer areas as required in Article VI, Section 8 of this Ordinance.
- 16) Location and design of all landscaping requirements.
- 17) All other requirements applicable to the development as specified in the Zoning Ordinance.
- 18) If any portion of land is in a flood hazard district the following information must also be submitted: the curvilinear line representing the regulatory flood elevation, existing flood control and erosion control works, existing drainage elevations, a preliminary plan showing the approximate dimensions, elevation and nature of the proposed use, amount, area and type of proposed fill; area and nature or proposed grading or dredging, proposed alteration of any natural

protective barriers, if applicable, proposed flood protection or erosion control works, proposed drainage facilities, proposed roads, sewers, water and other utilities, and specifications for building construction and materials included in the flood-proofing.

b. Utility Plan with:

- 1) Location of all existing and proposed underground utilities such as water, sewer, and storm drainage, etc., both within property and in adjacent streets.
- 2) Location of all surface facilities such as sidewalks, curb and gutter, etc.
- 3) Fencing, walls, and screening to be preserved, erected or planted; type, height and location.

5. Development Plan Review Criteria

Development plans will be analyzed in accordance with all applicable design standards and any or all of the following:

- 1) That each development plan be assessed on how it affects the health, safety, and morals of the community.
- 2) The effect all other policies and plans have on the proposed development plan.
- 3) All requirements of the zoning ordinance shall be met.
- 4) Safe conditions for motorists and pedestrians shall be provided.
- 5) Adequate buffers be provided where zoning classifications adjacent to one another are significantly different or where adjoining uses are competing, either by the nature of the use or by the intensity of the use(s).
- 6) Specific parking details shall be provided.

The Board of Commissioners may refuse to approve a site plan on the grounds that it fails to fully comply with any specific requirement of this Article or that it fails to adequately protect residentially zoned property, or property in residential use, or that it fails to provide safe conditions for pedestrians and motorists.

6. Construction Drawings:

a. Improvements

- 1) Following approval of the development plan and prior to the issuance of any building permits the owner or developers shall submit plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, illustrating connections to existing systems.
- 2) Plans shall be submitted at a scale of one (1) inch = fifty (50) feet or larger.

- 3) Plans for all public water and sewer systems shall be prepared as plan profile drawings and shall show line sizes, the location of fire hydrants, blow offs, man-holes, pumps, force mains and gate valves.
- 4) Plans for public or community water supply systems and/or public or community sewage disposal systems, excluding use of municipal systems shall be accompanied by letters of approval from the Division of Human Resources and/or the Division of Environmental Management, North Carolina Department of Natural and Economic Resources. Plans for individual sewage disposal systems shall be accompanied by letters of preliminary approval of the Wake County Health Department.
- 5) Street plans shall be prepared as plan-profile drawings. They shall be at a scale of one (1) inch = fifty (50) feet. Street plans shall show street grades and typical street sections.
- 6) Erosion Plan. The plan shall be accompanied by a proposed erosion control plan pursuant to the requirements of the Wake County Sedimentation and Erosion Control Ordinance.

b. Approval of Construction Drawings

Construction drawings shall be submitted to the Town Engineer. No building permits shall be issued until the Town Engineer has approved all plans.

c. Inspection and Supervision

- 1) The construction standards for all off-site improvements required by this Article shall conform to the Town's standards and specifications, building codes and other applicable laws, ordinances and regulations.
- 2) The building inspector, Town Engineer and zoning enforcement officer shall inspect construction in accordance with applicable codes.

d. Compliance with development plans

- 1) No certificate of occupancy shall be issued for any structure which does not conform to an approved development plan.
- 2) The owner or designer shall submit "as built" construction drawings as required.

e. Filing Fee

A non-refundable filing fee shall accompany a development plan when it is submitted for review in the amount according to the schedule available in the Planning and Inspections Office.

f. Time of Validity

An approved development plan shall become null and void if no significant work, which shall include the installation of physical improvements such as utilities, and streets, or commencement of the operation where physical improvements are not required, has taken place on the site within twelve (12) months after approval. Any development requiring Town services that is adjacent to the Town limits shall be required to petition for annexation within sixty (60) days of site plan approval. If such a petition is not received within this time, the site plan shall become null and void. Any development that had site plan approval **prior** to the adoption of this ordinance shall be required to petition for annexation by June 1, 1985. Failure to comply shall result in the voiding of that site plan approval.

Section 14. Location of Uses or Buildings

Accessory buildings may be erected in any required side or rear yard, provided that the building shall not be closer than ten feet to any property line.

Section 15. Street Access

No building shall be erected on a lot which does not abut an open public street.

The Board of Adjustment may grant a variance to this requirement provided that:

1. There is a legally established right-of-way of no less width than fifty (50) feet and no longer than five hundred (500) feet measured from the nearest public right-of-way. When the Board of Adjustment grants a variance the substandard right-of-way shall give access to no more than three (3) dwelling units.

-OR-

2. There is a legally established access easement of no less width than twenty (20) feet. When the Board of Adjustment grants a variance the access easement shall give access to no more than two (2) dwelling units. An access easement shall only be permitted for properties that are land-locked at the time of adoption of this ordinance and if extenuating circumstances exist; burden of proof shall be on the petitioner. In no case shall an access easement be established for multi-family developments.

Section 16. Lots with Multiple Frontage

In the case of a lot having frontage on two (2) or more streets, the minimum depth of a yard adjacent to a street, except for the front yard, shall be twenty (20) feet. This requirement does not apply to lots located within the RA-HC, Historic Core District.

Section 17. Minimum Frontage

Where a minimum frontage is specified in these regulations it shall be measured at the front yard setback line.

Section 18. Erection of More Than One Principal Building on a Lot

There shall be erected only one principal building and its accessory buildings on one lot except in the following:

1. Any multi-family development operating under homeowners association agreement.
2. Any bona-fide farm.
3. Any existing lot presently zoned RD, Rural Holding District with greater than five (5) acres.
4. Any combination use.

Section 19. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that areas outside the Flood Hazard Districts' boundaries or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Wake Forest or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Section 20. Combination Uses

1. **When** a combination use comprises two or more principle uses that require different types of permits, then the permit authorizing the combination use shall be:
 - a. A special use permit if any of the principle uses involved requires a special use permit.
 - b. A conditional use permit if any of the principle uses involved requires a conditional use permit.
 - c. A development permit in all other cases.

2. When two (2) or more principle uses are combined, the total amount of parking required is the cumulative amount required for each individual principle use.
3. Combination uses shall only be permitted in the Renaissance Area, O&I, NB and HB zoning districts. Non-conforming and conforming uses shall not be combined.
4. A combination use shall require a site plan showing information stated in Article IV, Section 12.4 and 12.6 of this ordinance.

Section 21. Business Uses of Manufactured Homes, Manufactured Offices, or Trailers

No manufactured home, manufactured office, or trailer shall be used in any manner for business or commercial purposes except when used for a sales office on a manufactured home sales lot or except for temporary use approved by the Zoning Enforcement Officer, as may be allowed elsewhere in this ordinance.

Section 22. Temporary Use of Manufactured Homes, Temporary Offices, and Trailers

Manufactured Homes: Temporary use of a manufactured home as a residence shall be permitted in any residential district in cases where the permanent home has been destroyed through no fault of the owner. A Temporary Development Permit and Occupancy Permit may be issued by the Zoning Enforcement Officer for the placement and occupancy of the manufactured home during reconstruction. Such permits shall be for a specified period of time not to exceed six (6) months and may be renewed no more than necessary for reconstruction, up to a total of one (1) year.

Manufactured Offices: Manufactured office may also be used for office or business purposes in cases where the permanent structure has been destroyed through no fault of the owner. A Temporary Development Permit and Occupancy Permit may be issued by the Zoning Enforcement Officer for the placement and occupancy of the manufactured home during reconstruction. Such permits shall be for a specified period of time not to exceed six (6) months and may be renewed no more than necessary for reconstruction, up to a total of one (1) year.

Temporary Construction and Sales Offices: Manufactured homes, offices, and trailers may be used as a temporary construction and/or sales office after obtaining a Temporary Development Permit, as described in Section 2 of Article IX. Enforcement of this ordinance.

Trailers: Trailers, as defined in Article III, may be used for residential purposes only in appropriately permitted camping facilities.

Section 23. Vested Rights

A. Purpose

The purpose of this section is to implement the provisions of G.S. 160A-385.1 pursuant to which a statutory zoning vested right is established upon the approval of a site specific development plan.

B. Definitions - As used in this section, the following terms shall have the meaning indicated:

1. **Approval authority**: The Board of Commissioners is the authorized body to grant approval of a site specific development plan.
2. **Site specific development plan**: A plan of land development submitted to the Town of Wake Forest for purposes of obtaining site plan approval as specified in Article IV. Section 12 of this ordinance.

Notwithstanding the foregoing, neither a variance, a sketch plan nor any other document that fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a site specific development plan.

3. **Zoning Vested Right**: A right pursuant to G.S. 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

C. Establishment of a Zoning Vested Right

1. A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the Board of Commissioners, as applicable, of a site specific development plan, following notice and public hearing.
2. The approving authority may approve a site specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare.
3. Notwithstanding subsections (a) and (b), approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.
4. A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.
5. The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land-use regulation that are general in nature and are applicable to all property subject to land-use regulation by the Town, including, but not limited to,

building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this chapter.

6. A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original land owner shall be entitled to exercise such right while applicable.

D. Approval Procedures and Approval Authority

1. Except as otherwise provided in this section, an application for site specific development plan approval shall be processed in accordance with the procedures established by ordinance and shall be considered by the designated approval authority for the specific type of zoning or land use permit or approval for which application is made.
2. Notwithstanding the provisions of subsection (a), in order to obtain a zoning vested right, the applicant must request in writing at the time of application that the application be considered and acted upon by the Board of Commissioners, following notice and a public hearing as provided in G.S. 160A-364.
3. In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the Town, that a zoning vested right is being sought.
4. Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under G.S. 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."
5. Following approval or conditional approval of a site specific development plan, nothing in this chapter shall exempt such a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval.
6. Nothing in this chapter shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the zoning ordinance.

E. Duration

1. A zoning right that has been vested as provided in this chapter shall remain vested for a period of two (2) years. This vesting shall not be extended by any amendments or modifications to a site specific development plan.

2. Upon issuance of a building permit, the expiration provisions of G.S. 160A-418 and the revocation provisions of G.S. 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.

F. Termination

A zoning right that has been vested as provided in this chapter shall terminate:

1. at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;
2. with the written consent of the affected landowner;
3. upon findings by the Board of Commissioners, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan;
4. upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the Town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;
5. upon findings by the Board of Commissioners, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or
6. upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

G. Voluntary Annexation

A petition for annexation filed with the Town under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under G.S. 160A-385.1 or G.S. 153A-344.1. A statement that declares that no zoning vested right has been established under G.S. 160A-385.1 or G.S. 153A-344.1 or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

H. Limitations

Nothing in this chapter is intended or shall be deemed to create any vested right other than those established pursuant to G.S. 160A-385.1.

I. Repealer

In the event that G.S. 160A-385.1 is repealed, this section shall be deemed repealed and the provisions hereof no longer effective.

J. Effective Date

This chapter shall be effective October 1, 1991 and shall only apply to site specific development plans approved on or after October 1, 1991.

ARTICLE V. DISTRICT REGULATIONS

Section 1. Creation of Districts

In order to implement the intent of this Article, there are hereby created several districts with the designations and general purposes listed under each and the specifically permitted uses and special uses included.

Section 2. Conditional Use Districts

It will be noted that each Conditional Use District (bearing the designation CU) corresponds to an identical district. However, any use or development in a Conditional Use district shall require a Conditional Use Permit as provided for in this Article.

It is recognized that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. Where the applicant for rezoning desire property to be rezoned to such a district in such situations, the Conditional Use District Classification will be considered only upon request of the applicant for rezoning. If for any reason any condition imposed pursuant to these regulations is found to be illegal, or invalid, or if the applicant should fail to accept any condition, it is the intent of this article that the authorization of such Conditional Use Permit shall be null and void and of no effect and that proceedings be instituted to rezone the property to its previous zoning classification.

A. Conditional Use District Defined

Within a Conditional Use District, (sometimes referred to as CUD), only those uses authorized by Article V as permitted, in the zoning district with which the CUD corresponds shall be allowed and all other requirements of the corresponding district shall be met. In addition, within a CUD no use shall be allowed except pursuant to a Conditional Use Permit authorized by the Board of Commissioners which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include architectural review or controls. In granting a Conditional Use Permit, the Board of Commissioners may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Article are served, public welfare secured and substantial justice done.

The authorization of a Conditional Use Permit, in any CUD for any use which is allowed only as a Special Use in the zoning district which corresponds to the CUD, shall preclude

any requirements for obtaining a Special Use for any such use from the Board of Commissioners."

B. Conditional Use Permit

1. Conditions May Be Imposed

The Board of Commissioners may grant or deny the Conditional Use District rezoning and the Conditional Use Permit. If the Board of Commissioners should find, after the public hearing, that the proposed Conditional Use Permit should not be granted, such proposed permit shall be denied. In granting a Conditional Use Permit, the Board of Commissioners may impose such additional reasonable and appropriate special requirements upon such permit as it may deem necessary in order that the purpose and intent of this ordinance are served, public welfare secured, and substantial justice done. If all requirements and conditions are accepted by the applicant, the Board of Commissioners shall authorize the issuance of the Conditional Use Permit; otherwise the permit shall be denied. Any Conditional Use Permit, so authorized, shall be perpetually binding upon the property included in such permit unless subsequently changed or amended by the Board of Commissioners.

2. Final Plans Reviewed

Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Planning Board and Board of Commissioners for review in the same manner as other development plans now required to be reviewed by the Planning Board and approved by the Board of Commissioners.

In reviewing such final plans, the Planning Board may recommend that the requirement(s) or condition(s) of such Conditional Use Permit be varied where, in the opinion of the Planning Board, such changes will result in equal or better performance and provided that the objective and purpose of the requirement(s) and condition(s) of the Conditional Use Permit are maintained. The Board of Commissioners shall consider all recommendations of the Planning Board prior to giving final approval and may require such conditions as will secure the objectives of the original requirement(s) or condition(s).

If the Board of Commissioners should find, after the hearing, that the proposed Conditional Use Permit should not be granted, such proposed Permit shall be denied. In granting a Conditional Use Permit, the Board of Commissioners may impose such additional reasonable and appropriate special requirements upon such permit as it may deem necessary in order that the purpose and intent of this Article are served, public welfare secured and substantial justice done. If all requirements and conditions are accepted by the applicant the Board of Commissioners shall authorize the issuance of the Conditional Use Permit; otherwise the Permit shall be denied. Any Conditional Use Permit so authorized shall be perpetually binding upon the property included in such

Permit unless subsequently changed or amended by the Board of Commissioners as provided for in this Article. Final plans for any development to be made pursuant to any Conditional Use Permit shall be submitted to the Planning Board and Board of Commissioners for review in the same manner as other development plans now required to be reviewed by the Planning and Zoning Board and approved by the Board of Commissioners. In reviewing such final plans, the Planning and Zoning Board may recommend that the requirement(s) or condition(s) of such Conditional Use Permit be varied where in the opinion of the Planning and Zoning Board such changes will result in equal or better performance and provided that the objective and purpose of the requirement(s) and condition(s) of the Conditional Use Permit are maintained. The Board of Commissioners shall consider all recommendations of the Planning and Zoning Board prior to giving final approval and may require such conditions as will secure the objectives of the requirement(s) or condition(s) varied. Any violation of a term or condition of a Conditional Use Permit shall be treated the same as a violation of this ordinance and shall be subject to the same remedies and penalties as any such violation. Where the Building Inspector, Town Engineer, or Zoning Enforcement Officer determines that any term or condition of any Conditional Use Permit is not being adhered to, he shall notify the property owner of his/her findings either by certified mail or in person and set a reasonable time for any violation to be corrected or abated. In any case where any violation is not corrected or abated within a reasonable time as set by the Building Inspector, Town Engineer, or Zoning Enforcement Officer, said persons or any person aggrieved, may institute injunction, mandamus or other appropriate action in proceedings to correct or abate any violation. In the event that any violation is not promptly corrected or abated after a judicial determination that there has been such a violation, the Conditional Use Permit shall become void and of no effect. The Board of Commissioners may change or amend any Conditional Use Permit, after a public hearing, upon recommendation by the Planning Board and subject to the same considerations as provided for in this Article for the original issuance of a Conditional Use Permit. Provided, however, no proposal to amend or change any Conditional Use Permit shall be considered within twelve (12) months of the date of the original authorization of such Permit or within twelve (12) months of the hearing of any previous proposal to amend or change any such Permit.

3. Conditions May Be Amended

The Board of Commissioners may change or amend any Conditional Use Permit, after a public hearing, upon recommended by the Planning Board and subject to the same considerations as provided for in this ordinance for the original issuance of a Conditional Use Permit. However, no proposal to amend or change any Conditional Use Permit shall be considered within twelve (12) months of the date of the hearing of any previous proposal to amend or change any such permit, unless in the opinion of the Zoning Enforcement Officer or Planning Board, special circumstances exist.

4. Violation of Terms.

Any violation of a term or condition of a Conditional Use Permit shall be treated the same as a violation of this ordinance and shall be subject to the same remedies and penalties as any such violation.

Where the Building Inspector, Town Engineer, or Zoning Enforcement Officer determines that any term or condition of any Conditional Use Permit is not being adhered to, shall notify the property owner of his/her findings either by certified mail or in person and set a reasonable time for any violation to be corrected or abated. In any case where any violation is not corrected or abated within a reasonable time, as set by the Building Inspector, Town Engineer, or Zoning Enforcement Officer, said person(s) or any person aggrieved, may institute injunction, mandamus, other appropriate action in proceedings to correct or abate any violation. In the event that any violation is not promptly corrected or abated, after a judicial determination that there has been such a violation, the Conditional Use Permit shall become void and of no effect.

Section 3. Historic Landmarks Overlay District

A. Purpose

The historical heritage of the Town of Wake Forest is a valuable and important asset. By listing and regulating historic districts and landmarks, and acquiring historic properties, the Town of Wake Forest seeks:

1. To safeguard the heritage of the Town by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or pre-history; and
2. To promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of the Town, the County and the State as a whole.

B. Historic Preservation Commission

1. Creation and Appointment

There is hereby established by authority of Chapter 160A-400.7 of the North Carolina General Statutes, a Historic Preservation Commission to be known as the Wake Forest Historic Preservation Commission (hereinafter "Commission"). The Commission shall consist of nine (9) members appointed by the Board of Commissioners. A minimum of seven (7) members shall reside within the corporate limits of the town and the others shall reside, at least, within the extraterritorial jurisdiction (ETJ) of the town. A minimum of four (4) members shall reside within the Historic District of Wake Forest.

In establishing the Commission and making appointments to it, the Board of Commissioners shall seek the advice of local governing bodies, or such State or local

historical agencies, societies, or organizations as it may deem necessary. The Commission may appoint advisory bodies and committees as appropriate.

2. Qualification of Members

All members of the Commission shall have a demonstrated interest, competence or knowledge in historic preservation.

3. Terms

Commission members shall serve overlapping terms of four (4) years, and until their successors have been appointed. Initially, the Board of Commissioners shall appoint five (5) members to a term of two (2) years and appoint four (4) members to a full term of four (4) years. Thereafter, all appointments shall be for a term of four (4) years. A member may be reappointed for a second consecutive term, but after two (2) consecutive terms, a member shall be ineligible for reappointment until one (1) calendar year has elapsed from the date of termination of his or her second term. Any vacancy during the unexpired term of a member of the Commission shall be filled in accordance with Town of Wake Forest policy.

4. Rules of Procedures

The Commission shall adopt rules of procedure necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. The rules of procedure adopted by the Commission shall at least provide for the selection of officers of the Commission, the time and place of its regular meetings and the calling of special meetings, the procedures for the conduct of public hearings, the conduct of voting, the forms to be used in applying for and issuing or denying certificates of appropriateness, and a list of minor works for which Commission staff may issue Certificate of Appropriateness.

5. Powers and Duties

The Commission is authorized and empowered to undertake such actions reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this ordinance and the N. C. General Statutes, including but not limited to the following:

- a. Undertake an inventory of properties of historical, pre-historical, architectural, archaeological, and/or cultural significance.
- b. Recommend to the Board of Commissioners, individual buildings, structures, sites, areas, or objects within its zoning jurisdiction to be designated by ordinance as "historic landmarks", and areas within its zoning jurisdiction to be designated by ordinance as "historic districts".

- c. Recommend to the Board of Commissioners that designation of any area as a historic district or part thereof, or of any building, structure, site, area, or object as a historic landmark, be revoked or removed for cause.
- d. Review and act upon proposals for alteration or demolition of designated landmarks and for alteration, demolition, or new construction within historic districts, pursuant to this ordinance.
- e. Report violations of this ordinance or other ordinances affecting historic landmarks and properties within historic districts to the local official responsible for enforcing the ordinance.
- f. Act as, establish, or designate, a group, body, or committee to give advice to owners of historic landmarks or property within a historic district concerning the treatment of the historical and visual characteristics of their property, such as gardens and landscape features, minor decorative elements, and for the informal review of major additions and new construction.
- g. Conduct an educational program on historic landmarks and districts within the town.
- h. Publish information, or otherwise inform the public about any matters pertinent to its purview, duties, organization, procedures, responsibilities, functions, or requirements.
- i. Cooperate with state, federal and other local governments in pursuing the purposes of this ordinance. The Board of Commissioners or the Commission when authorized the appropriate local governing body may contract with the State, or the United States of America, or any agency of either, or with any other organization, provided the terms are not inconsistent with state or federal law.
- j. Communicate with other boards or commissions in Wake County or with agencies of the County or other governmental units to offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest.
- k. Prepare and recommend the official adoption of a historic preservation element as part of the Town's comprehensive plan at the request of the Board of Commissioners.
- l. Accept funds to be used for preservation purposes that are granted to the Commission by private individuals, organizations, and local governing bodies.
- m. Acquire by any lawful means the fee or any lesser included interest, including options to purchase, to any historic landmarks, land to which historic buildings or structures may be moved, or properties located within historic districts; hold, manage, preserve, restore and improve the interest; and exchange or dispose of the interest by public or private sale, lease, or otherwise, subject to covenants or other legally binding restrictions which will secure appropriate rights of public access and promote the preservation of the property. All lands, buildings, structures, sites, areas, or objects

acquired by funds appropriated by the Board of Commissioners shall be acquired in the name of the Town of Wake Forest unless otherwise provided by the Board of Commissioners.

- n. Restore, preserve and operate such historic properties.
- o. Enter, at reasonable times, upon private lands and make examinations or surveys as necessary to the performance of its official duties. However, no member, employee or agent of the Commission may enter any private building or structure without the express consent of the owner or occupant thereof.
- p. Negotiate at any time with the owner of a building, structure, site, area or object for its acquisition or its preservation when such action is reasonably necessary and appropriate.
- q. Take steps during the period of postponement of demolition or alteration of any historic landmark or property within a historic district to ascertain what the local governing body can or may do to preserve such property including consultation with private civic groups, interested private citizens, and other public boards or agencies, and including investigation of potential acquisition by the Board of Commissioners when the preservation of a given historic property is clearly in the interest of the general welfare of the community and such property is of certain historic and architectural significance.
- r. Propose to the Board of Commissioners changes to this or any other ordinance and propose new ordinances or laws relating to historic landmarks and districts or relating to a total program for the protection and/or development of the historic resources of the Town of Wake Forest and its environs.
- s. Organize itself and conduct its business including any meetings or hearings necessary to carry out the purposes of this ordinance.

C. Historic Landmarks

1. Adoption of an Ordinance of Designation

Upon compliance with the procedures set out in Section C.4., the Board of Commissioners may adopt and, from time to time, amend or repeal an ordinance designating one or more historic landmarks. The ordinance shall include information which shall:

- a. List the name or names of the owners of the property;
- b. Describe each property designated in the ordinance including the approximate area of the property so designated;

- c. Describe those elements of the property that are integral to its historical, pre-historical, architectural, archaeological, and/or cultural significance;
- d. Provide for each designated historic landmark a suitable sign or plaque indicating that the landmark has been so designated; and
- e. Any other information the Board of Commissioners deems necessary within the authority of this ordinance and the general statutes of the State of North Carolina.

2. Criteria for Designation

In order for any building, structure, site, area, or object to be designated in an ordinance as a historic landmark, the Commission must find that the property is of special significance in terms of its history, pre-history, architecture, archaeology, and/or cultural importance, and that it possesses integrity of design, setting, workmanship, materials, feelings and/or association.

3. Inventory

The Commission shall use an inventory of buildings, structures, sites, areas, or objects of historical, pre-historical, architectural, and archaeological significance in the county as a guide to the identification, assessment, and designation of historic landmarks. The Commission shall update the inventory from time to time.

4. Required Procedures for Designation

The Board of Commissioners may not adopt or amend an ordinance designating a historic building, structure, site, area, or object, or acquire any landmark, until the steps prescribed by this ordinance and its subsections have been taken including rules of procedure and guidelines for the altering, restoring, moving, or demolishing properties designated as historic. Designation procedures may be initiated by the Commission or at the request of a property owner.

4.1. Designation Reports

The Commission shall make or cause to make an investigation and report that includes all the information contained in this Section. Applications prepared by owners will be judged by the same criteria as those prepared by the Commission.

- a. The name of the property to be considered for designation - both common and historic names, if they can be determined;
- b. The name and address of the current property owner;

- c. The location of the property proposed to be designated historic including the street address and Wake County tax map and parcel numbers or the parcel identification number;
- d. The date of construction and of any later alterations, if any;
- e. An assessment of the significance of the site or structure pursuant to Section C.2.;
- f. An architectural or archeological description of the area of the site or structure proposed to be designated. If out building or other appurtenant features are proposed to be designated, the report shall contain a description of those features;
- g. A historical discussion of the site or structure within its type, period and locality;
- h. A photograph that clearly depicts the property proposed to be designated and supplementary photographs showing facades, details and sitting; and
- i. A map showing the location of the property including any out buildings and appurtenant features.

4.2. Review by the Department of Cultural Resources

A report accepted by the Commission shall be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History or its successor agency for comments pursuant to G. S. 160A-400.6, as amended from time to time.

The Department of Cultural Resources or its successor agency acting through the State Historic Preservation Officer shall, either upon request of the Department or at the initiative of the Commission, be given an opportunity to review and comment upon the substance and effect of the designation of any landmark pursuant to this ordinance.

4.3. Consideration of the Report

Once the designation report has been prepared, either by the Commission or by the owner and is deemed by the Commission staff to meet the provisions of subsection C.4.1., the Commission shall consider the report.

The Commission may accept it, amend it, reject it, or recommend further study.

Prior to final action on a designation report, the Commission shall indicate the extent to which the landmark meets the criteria for designation in Section C.2.

The Commission should consider any comments received in writing from the Department of Cultural Resources or its successor agency. If the Department does not submit its written comments or recommendations in connection with any proposed designation within thirty (30) days following receipt of the report, the Commission and the Board of Commissioners shall be relieved of any responsibility to consider such comments. After the expiration of the thirty (30) day comment period given the Division of Archives and History, the Commission may recommend to the local governing body that the property be designated as a historic landmark.

4.4. Submission to the Wake Forest Board of Commissioners

The Commission shall forward its recommendation to the Board of Commissioners. The Commission shall submit a copy of the designation report, any written comments received from the Department of Cultural Resources, and if the recommendation is for approval, a proposed ordinance of designation, to the Board of Commissioners.

4.5. Public Hearing

When a proposed ordinance of designation is submitted, the Commission and the Board of Commissioners shall hold a joint public hearing or separate public hearings on the proposed ordinance. Reasonable notice of the time and place thereof shall be given.

4.6. Adoption of a Description Ordinance

Following the required public hearings, the Board of Commissioners shall consider the designation report, the Commission's recommendation, the Department of Cultural Resource's comments, and the comments made at the public hearing, and may adopt the ordinance as proposed, adopt the ordinance with amendments or reject the ordinance.

5. Actions Subsequent to Approval

Upon adoption of the ordinance:

- a. Commission staff shall send the owner(s) of the landmark, as identified by current tax records, written notice of such designation within thirty (30) days of adoption of the ordinance by certified mail, return receipt requested.

- b. The Commission shall file a copy of the ordinance and any subsequent amendments thereto, in the office of the Register of Deeds of Wake County. The Register of Deeds shall index historic landmark according to the name of the owner in the grantee and grantor indexes. The Commission shall pay a fee for filing and indexing.
- c. In case of a landmark lying within the zoning jurisdiction of the Town of Wake Forest, a second copy of the ordinance shall be kept on file in the office of the Town Clerk and be made available for public inspection at any reasonable time. A copy shall also be given to the Town's Inspections Director.
- d. All tax maps maintained by the Town of Wake Forest shall clearly indicate the designation of a building, structure, site, area, or object as a historic landmark for as long as the designation remains in effect.
- e. The Commission staff shall notify the tax assessor of Wake County and the Town of Wake Forest of the landmark designation. The assessor shall consider the designation and any recorded restriction on the landmark in appraising it for tax purposes.

6. Denied Applications

If the Board of Commissioners denies a designation report, a copy of the minutes of the meeting at which such a decision to deny the report was made, shall be mailed to the owner of the property proposed for designation.

D. Historic Districts

1. Adoption of an Ordinance of Designation

No historic district may exist without an ordinance designating it as such. Upon compliance with the procedures contained in Section D.4., the Board of Commissioners within its jurisdiction may adopt and from time to time amend or repeal an ordinance designating one or more historic districts.

2. Criteria for Designation

In order for any area to be designated in an ordinance as a historic district, the Commission must find that the area is of special significance in terms of its history, pre-history, architecture, archaeology and/or cultural importance, and that it possesses integrity of design, setting, workmanship, materials, feeling and/or association.

3. Inventory

The Commission shall use an inventory of buildings, structures, sites, areas, or objects of historical, pre-historical, architectural, and archaeological significance in the county as a

guide for the identification, assessment, and designation of historic districts. The Commission shall update the inventory from time to time.

4. Required Procedures for Designation

The Board of Commissioners may not adopt or amend an ordinance designating a historic district, nor may the local governing body or the Commission accept any district until the steps prescribed by this Section have been taken.

4.1. Designation Report

The Commission shall prepare or review an investigation and report describing the significance of the buildings, structure, features, sites, or surroundings included in any such district. Such report shall be referred to the Board of Commissioners or the Town Planning Department for its review and comment according to procedures set forth in the Zoning Ordinance of the corresponding jurisdiction.

4.2. Review by the Department of Cultural Resources

All designation reports shall be submitted to the North Carolina Department of Cultural Resources by the Commission. The Department of Cultural Resources or its successor agency, acting through the State Historic Preservation Officers, shall, either upon request of the Department or at the initiative of the Commission, be given an opportunity to review and comment upon the substance and effect of the designation of any district.

If the Department does not submit its written comments or recommendations in connection with any proposed designation within thirty (30) days following receipt of the report, the Commission and the local governing body shall be relieved of any responsibility to consider such comments. After the expiration of the thirty (30) day comment period given the Division of Archives and History, the Commission may recommend to the local governing body that the area be designated as a historic district.

4.3. Review by other Groups

The Board of Commissioners may also, in its discretion, refer the designation report and proposed boundaries to any local preservation organization in addition to the Commission or other interested body for its recommendations prior to taking action to amend the Zoning Ordinance.

4.4. Adoption of a Designation Ordinance

On receipt of these reports and recommendations, the Board of Commissioners may proceed in the same manner as would otherwise be required for the adoption or amendment of any appropriate Zoning Ordinance provisions.

4.5. Revisions to Districts

With respect to any changes in the boundaries of an adopted historic district subsequent to its initial establishment, the requirements and procedures contained in Section D shall apply.

4.6. District Boundaries

The Wake Forest Historic District boundaries are defined on the map designated as the "Zoning Map of the Town of Wake Forest".

4.7. Permitted Uses

The historic district shall overlap and overlay existing zoning districts. All uses, dimensional, and other requirements for each zoning district shall be permitted or observed within the historic district; provided that:

- a. No building or part of a building shall extend nearer to or be required to be set back further from the front street line than the average distance of the setbacks of the nearest principal structures on each lot located in each block and fronting on the same side of the streets so that the setback distances in the district are uniform.
- b. A Certificate of Appropriateness shall be obtained prior to the construction, reconstruction, alteration, restoration, demolition, or moving of buildings, structures, appurtenant fixtures, or outdoor advertising signs in the historic district as required by Section 5.0 of the Zoning Ordinance, anything to the contrary elsewhere in this ordinance withstanding.

E. Certificate of Appropriateness

1. Required

From and after the designation of a historic landmark or district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such landmark or within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Commission. In adopting an ordinance establishing a historic district, the Board of Commissioners shall provide that no building permit or other permit granted for the purposes of constructing, altering, moving, or demolition of structures shall be issued

unless the Commission has first used a Certificate of Appropriateness authorizing the construction, alteration, moving, or demolition. Any building permit or such other permit not issued in conformity with this section shall be invalid. In approving a Certificate of Appropriateness, the Commission may attach reasonable conditions necessary to carry out the purposes of this ordinance. A Certificate of Appropriateness shall be required whether or not a building permit is required. The Town of Wake Forest shall be required to obtain a Certificate of Appropriateness prior to any changes in the character of public facilities, utilities, or public buildings.

For purposes of this ordinance, "exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building or other structure, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, as well as historic signs, significant landscape, archaeological and natural features of the area, and shall apply solely to the front and sides of any such structures as can be seen from the street upon which such structures fronts or corners. In the case of outdoor advertising signs, "exterior features" shall mean the style, material, size, and location of all such signs.

The Commission shall take no action under this section except to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features which would be incongruous with the special character of the landmark or district.

2. Review Guidelines

Prior to the designation of any historic landmark or district, the Commission shall prepare and adopt guidelines, not inconsistent with Part 3B Article 19 of Chapter 160A of the N. C. General Statutes for altering, restoring, moving, or demolition of property designated as historic. It is the intention of these guidelines to ensure, insofar as possible, that changes in designated landmarks or properties located within designated districts shall be in harmony with the reasons for designation.

3. Limitations on Interior Review

Notwithstanding this ordinance, jurisdiction of the Commission over interior spaces shall be limited to specific interior features of architectural, artistic, or historical significant in publicly owned landmarks, and of privately owned historic landmarks for which consent for interior review has been given by the owner. If an owner's consent for interior review has been filed in the office of the Wake County Register of Deeds and indexed according to the name of the owner of the property in the grantee and grantor indexes, such consent shall bind future owners and/or successors in title. The ordinance establishing the historic designation shall specify the interior features to be reviewed and the specific nature of the Commission's jurisdiction over those features.

4. Certain Changes Not Prohibited

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of a historic landmark or property located within a district that does not involve a change in design, material, or outer appearance thereof. Nor shall this ordinance be construed to prevent the construction, reconstruction, alteration, restoration, moving, or demolition of any such feature when a building inspector or similar official certifies to the Commission that such action is required for the public safety because of an unsafe or dangerous condition. Nothing herein shall be construed to prevent a property owner from making any use of the his property not prohibited by other statutes, ordinances, or regulations. Nothing in this ordinance shall be construed to prevent the maintenance of or, in the event of an emergency, immediate restoration of any existing above-ground utility structure without approval by the Commission.

5. Administrative Approval for Minor Works Allowed

The Commission staff may issue a Certificate of Appropriateness for minor works as listed in the Commission's Review Guidelines. Minor works shall include and are defined as those exterior changes that do not involve substantial alterations, additions, or removals that could impair the integrity of the property and/or district as a whole.

No application for a minor works Certificate of Appropriateness may be denied without formal action by the Commission.

6. Delay in Demolition of Designated Properties

Except as provided below, the Commission may not deny an application for a Certificate of Appropriateness authorizing the demolition of a designated historic landmark or property located within a district. However, the Commission may delay the effective date of such a certificate for a period of up to 365 days from the date of approval. The Commission may reduce the period of delay where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the Commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the property, as provided in subsection B5(q). As part of its review procedure, the Commission may view the premises and may seek the advice of the Division of Archives and History or such other expert advice as it may deem necessary under the circumstances.

The Commission may deny an application for a Certificate of Appropriateness authorizing the demolition or destruction of a building, site, or structure determined by the State Historic Preservation Office to have statewide significance, as defined in the criteria of the National Register of Historic Places, unless the Commission finds that the

owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

If the Commission has voted to recommend designation of a property as a landmark or designation of an area as a district, and final designation has not been made by the local governing body, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission for a period of up to 180 days or until the Board of Commissioners takes action on the designation, whichever occurs first. Should the governing body approve the designation prior to the expiration of the 180 day delay period, an application for a Certificate of Appropriateness for demolition must then be filed; however, the maximum delay period of 365 days shall be reduced by the period of delay while the designation was pending.

7. Demolition by Neglect

Demolition by neglect of any designated historic landmark or property located within a district shall constitute a violation of this ordinance. The local governing body may take appropriate actions to prevent demolition by neglect provided such actions include appropriate safeguards to protect the property owner from undue economic hardship.

8. Required Procedures

8.1. Submittal of Application

An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Commission staff. Applications for Certificates of Appropriateness shall be considered by the Commission at its next regularly scheduled meeting, provided they have been filed, complete in form and content, at least thirty-one (31) working days before the meeting; otherwise consideration shall be deferred until the following meeting.

8.2. Contents of Application

The Commission shall, by uniform rule in its Rules of Procedures, require information as is reasonably necessary to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until the required information is included. An incomplete application shall not be accepted.

8.3. Notification of Affected Property Owners

Before considering an application for a Certificate of Appropriateness, the Commission shall notify by mail the owners of any adjacent property. The mailed notices are for the convenience of the property owners and occupants and any

defect or their omission therein shall not impair the validity of issuing a Certificate of Appropriateness, or any following action.

8.4. Hearing

When considering an application, the Commission shall give the applicant and owners or any property likely to be materially affected by the application, an opportunity to be heard.

8.5. Commission Action on Application

When considering the application, the Commission shall apply the review guidelines required by Section E.2. and shall, before final action of the application, make findings of fact indicating the extent to which the application is or is not in compliance with the review criteria.

The Commission's action on the application shall be approval, approval with modifications, deferral, or disapproval.

8.6. Reasons for Commission's Actions to Appear in Minutes

The Commission shall cause to be entered into the minutes of its meeting the reasons for its actions, whether it be approval, approval with modifications, deferral or denial. The minutes shall also contain a summary of any citation to the evidence, testimony, studies, or other authority upon which it based its decision.

8.7. Time Limits

If the Commission fails to take final action upon any application within one hundred eighty (180) days after the complete application is submitted to the Commission staff, the application shall be deemed to be approved as submitted. This time period may be extended upon mutual agreement between the Commission and the applicant.

8.8. Submission of New Applications

If the Commission denies a Certificate of Appropriateness, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration, or moving.

8.9. Appeals of the Commission's Decision

An appeal may be made to the Board of Adjustment of the Town of Wake Forest regarding the Commission's action in approving or denying any application for a

Certificate of Appropriateness. Written notice of intent to appeal must be sent to the Commission, postmarked within twenty (20) days following the Commission's decision, unless oral notice of appeal is made to the Commission during the meeting at which the decision is rendered. Appeals must be filed with the Board of Adjustment of the Town of Wake Forest within sixty (60) days following the Commission's decision. Appeals shall be in the nature of certiorari. The Board of Adjustment's decision in any such case may be appealed to the Superior Court of Wake County.

8.10. Ordinance to Apply to Publicly Owned Buildings and Structures

Designated historic buildings, structures, sites, areas, or objects owned by State of North Carolina or any of its political subdivisions, agencies, or instrumentalities shall be subject to the regulations imposed by this ordinance, in accordance with N. C. General Statute 160A-400.9(f).

8.11. Remedies

In case any building, structure, site, area, or object designated a historic landmark or any property located within a historic district is about to be demolished as the result of deliberate neglect or otherwise, materially altered, remodeled, or removed, except in compliance with this ordinance, the local governing body, the Commission, or other party aggrieved by such action may institute any appropriate action or proceedings to prevent such unlawful demolitions, material alteration, remodeling, or removal, to strain, correct or abate such violations, or to prevent any illegal act or conduct with respect to such historic property.

F. Conflict with Other Laws

Whenever the provisions of this ordinance are in conflict with any other statute, charter provision, ordinance or regulation of the Town of Wake Forest, the more restrictive ordinance or regulation shall govern.

Section 4. RD, Rural Holding District

This Rural Holding District is established as a district in which the principal uses of the land are restricted due to lack of services available or unsuitable soil types or steep slopes.

A. Permitted Uses

Dwellings (single-family, duplexes).
Modular homes.
Churches.
Public and state licensed schools.
Bona fide farms and their customary appurtenances.

Public utilities.
Utility substations.
Pumping stations.
Accessory apartments.
Class A Manufactured Homes on individual lots.

Home occupations, such as dressmaking, catering, baking, hairdressing, laundering, cooking, designing, accounting, and the practice of law, medicine and dentistry, shall be permitted as accessory uses in residences or accessory buildings thereof provided that such operation shall be engaged in only by residents of the premises, that not more than twenty-five percent (25%) of the gross floor area of the residence shall be used for such occupation, that no display of products shall be visible from the street and no objectionable effects shall be produced or created.

Public recreation facilities, including community centers, parks, ballparks, playgrounds assembly halls, swimming pools, athletic courts and other such facilities and private recreation facilities - country clubs and regulation of golf courses and par threes.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case, a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of Article VIII.

Planned Unit Developments.

Conference/Seminar/Retreat Center

Manufactured home parks and subdivisions.

Class B Manufactured Homes on individual lots

Hospitals, fire stations, cemeteries, funeral homes, libraries, homes for children.

Miniature golf courses and driving ranges.

Uses and buildings accessory to permitted special uses.

Public and private airstrips.

Dog Kennel - Setbacks of 100 feet from all property lines. Minimum lot size of 2 acres. Sound proof pens, i.e., interior doors. Six (6) foot high opaque fencing and a minimum ten (10) foot landscape buffer around the side and back of the compound area.

Telecommunication towers.

C. Dimensional Requirements

- Minimum required lot area for one dwelling unit shall be 40,000 square feet.
- Minimum required lot area for each additional unit shall be 10,000 square feet.
- Minimum required lot width - 100 feet.
- Minimum required front yard - 30 feet.
- Minimum required side yard - 10 feet.
- Minimum required rear yard - 30 feet.
- All principal buildings in a multi-family development shall be setback from each street right-of-way a minimum of 30 feet.

(Approval from the Wake County Health Department is required for the installation of septic tanks. Soil conditions may require larger lot area than the above stated minimum. These should be checked prior to requesting a zoning/development permit. No building permit will be issued without septic tank approval from the Wake County Health Department.)

D. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the Rural Holding District.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 5. C.U. - Rural Holding District

Identical to Rural Holding District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 6. R-20, Residential-20 District

The R-20, Residential-20 District is established as a district in which the principal use of land is for low density single-family dwellings and related recreational, religious and educational facilities normally required to provide the basic elements of a balanced, orderly, convenient and attractive residential area. The R-20 district is intended to act as a transitional zoning district between rural development in the county and the urban development of the town. The regulations are further intended to discourage any use which because of its character would substantially interfere with the development of single-family residences in the district and which would be detrimental to the quiet residential nature of the areas included within the district.

A. Permitted Uses

Single-family dwellings and modular homes.
 Accessory apartments.
 Churches.

Public and private schools.

Home occupations, such as dressmaking, catering, baking, art studios, hairdressing, laundering, cooking, designing, accounting and the practice of law, medicine, and dentistry, shall be permitted as accessory uses in residences or only by residents of the premises, that no more than twenty-five percent (25%) of the gross floor area of the residence shall be used for such occupation, that no display of products shall be visible from the street, and no objectionable effects shall be produced or created.

Public recreation facilities including community centers, parks, ballparks, playgrounds, assembly halls, swimming pools, athletic courts.

Uses and buildings accessory to permitted uses.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject, where applicable, to the requirements of Article VIII.

Private recreation clubs-country clubs, golf courses, tennis clubs, swimming clubs, fraternal organizations.

Planned Unit Developments

Funeral Homes.

Hospitals, excluding veterinary hospitals.

Fire stations.

Cemeteries.

Libraries.

Rest homes.

Homes for children.

Bed and Breakfast homes.

Telecommunication towers.

Offices for business and professional uses provided: 1. The uses are restricted to existing structures. 2. The structure was originally constructed for non-residential use. 3. The

structure is not an accessory or appurtenant building to a principal use. 4. No structural addition is made to the existing structure.

Medical clinics.

Public utilities.

Utility substations.

Pumping stations.

Uses and building accessory to permitted special uses.

C. Dimensional Requirements

- Minimum required lot area for each dwelling unit (with septic tank and well) - 40,000 square feet.
- Minimum required lot area for each dwelling unit (with either a septic tank or well) - 30,000 square feet.
- Minimum required lot area for each dwelling unit (with public water and public sewer) - 20,000 square feet.
- Minimum required lot width for a dwelling unit - 100 feet.
- Minimum required depth of front yard - 30 feet.
- Minimum required width of any side yard - 10 feet.
- Minimum required depth of rear yard - 25 feet.
- All principal buildings in a multi-family development shall be setback from each street right-of-way a minimum of 30 feet.

D. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the R-20 Residential-20 District.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 7. C.U. R-20, Residential-20 District

Identical to the R-20, Residential-20 District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 8. R-15, Residential-15 District

The R-15, Residential-15 District is established as a district in which the principal use of land is for single-family dwellings. The regulations of this district are intended to discourage any use which because of its character, would be a nuisance to the neighboring residences. The regulations are further intended to discourage any use which because of its character would substantially interfere with the development of single-family residences in the district and which would be detrimental to the quiet residential nature of the areas included within this district.

A. Permitted Uses

Single-family dwellings and modular homes.
Accessory apartments.
Churches.
Public and private schools.

Home occupations, such as dressmaking, catering, baking, art studios, hairdressing, laundering, cooking, designing, accounting and the practice of law, medicine, and dentistry, shall be permitted as accessory uses in residences or only by residents of the premises, that no more than twenty-five percent (25%) of the gross floor area of the residence shall be used for such occupation, that no display of products shall be visible from the street, and no objectionable effects shall be produced or created.

Public recreation facilities including community centers, parks, ballparks, playgrounds, assembly halls, swimming pools, athletic courts.

Uses and buildings accessory to permitted uses.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject, where applicable, to the requirements of Article VIII.

Private recreation clubs-country clubs, golf courses, tennis clubs, swimming clubs, fraternal organizations.

Planned Unit Developments.

Funeral Homes.

Hospitals, excluding veterinary hospitals.

Fire stations.

Cemeteries.

Libraries.

Rest homes.

Homes for children.

Bed and Breakfast Homes.

Offices for business and professional uses provided: 1. The uses are restricted to existing structures. 2. The structure was originally constructed for non-residential use. 3. The structure is not an accessory or appurtenant building to a principal use. 4. No structural addition is made to the existing structure.

Medical clinics.

Public utilities.

Utility substations.

Pumping stations.

Uses and building accessory to permitted special uses.

Telecommunication Towers.

C. Dimensional Requirements

- Minimum required lot area for each dwelling unit (with public water and public sewer) - 15,000 square feet.
- Minimum required lot width for a dwelling unit - 75 feet.
- Minimum required depth of front yard - 30 feet.
- Minimum required width of any side yard - 10 feet.
- Minimum required depth of rear yard - 25 feet.
- All principal buildings in a multi-family development shall be setback from each street right-of-way a minimum of 30 feet.

D. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the R-15, Residential-15 District.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 9. C.U. R-15, Residential-15 District

Identical to the R-15, Residential-15 District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 10. R-10, Residential-10 District

The R-10, Residential-10 District is established as a district in which the principle use of land is for single-family and two-family dwelling units on each lot. Public water and sewage systems shall be required in this district.

A. Permitted Uses

Single-family dwellings and modular homes.
Accessory apartments.
Duplexes.
Churches.
Public and private schools.

Home occupations, such as dressmaking, catering, baking, hairdressing, laundering, cooking, designing, accounting, and the practice of law, medicine and dentistry, shall be permitted as accessory uses in residences or accessory buildings thereof provided that such operation shall be engaged in only by residents of the premises, that not more than twenty-five percent (25%) of the gross floor area of the residence shall be used for such occupation, that no display of products shall be visible from the street and no objectionable effects shall be produced or created.

Public recreation facilities, including community centers, parks, ballparks, playgrounds assembly halls, swimming pools, athletic courts.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case, a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of Article VIII.

Private recreation clubs-country clubs, golf courses, tennis clubs, swimming clubs, fraternal organizations.

Planned Unit Developments.

Funeral Homes

Hospitals, excluding veterinary hospitals

Fire stations.

Cemeteries.

Libraries.

Rest homes

Homes for children.

Offices for business and professional uses provided: 1. The uses are restricted to existing structures. 2. The structure was originally constructed for non-residential use. 3. The structure is not an accessory or appurtenant building to a principal use. 4. No structural addition is made to the existing structure.

Medical clinics.

Public utilities.

Utility substations.

Pumping stations.

Uses and buildings accessory to permitted special uses.

Telecommunication Towers.

C. Dimensional Requirements

- Minimum required lot area for the first dwelling unit - 10,000 square feet.
- Minimum required lot area for the second dwelling unit - 5,000 square feet.
- Minimum required lot width for the first dwelling unit - 60 feet.
- Minimum required lot width for each duplex - 75 feet.
- Minimum required front yard depth -30 feet.
- Minimum required depth or rear yard - 20 feet.
- Minimum required side yard - 10 feet.
- All principal buildings in a multi-family development shall be setback from each street right-of-way a minimum of 30 feet.

D. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the R-10 Low Density Residential District.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 11. C.U. R-10, Residential-10 District

Identical to R-10, Residential-10 District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 12. MF, Multi-Family District

The MF, **Multi-Family** District is established as a district in which the principle use of land is for medium density single-family and multi-family residential development. Public water and sewage systems shall be required in this district.

A. Permitted Uses

Single-family dwellings and modular homes.

Accessory apartments.

Duplexes, Triplexes, Quadraplexes.

Churches.

Public and private schools.

Home occupations, such as dressmaking, catering, baking, hairdressing, laundering, cooking, designing, accounting, and the practice of law, medicine and dentistry, shall be permitted as accessory uses in residences or accessory buildings thereof provided that such operation shall be engaged in only by residents of the premises, that not more than twenty-five percent (25%) of the gross floor area of the residence shall be used for such occupation, that no display of products shall be visible from the street and no objectionable effects shall be produced or created.

Public recreation facilities, including community centers, parks, ballparks, playgrounds assembly halls, swimming pools, athletic courts.

Uses and buildings accessory to permitted uses.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case, a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of Article VIII.

Private recreation clubs-country clubs, golf courses, tennis clubs, swimming clubs, fraternal organizations.

Planned Unit Developments.

Condominiums.

Funeral Homes

Hospitals, excluding veterinary hospitals

Fire stations.

Cemeteries.

Libraries.

Rest homes.

Homes for children.

Offices for business and professional uses provided: 1. The uses are restricted to existing structures. 2. The structure was originally constructed for non-residential use. 3. The structure is not an accessory or appurtenant building to a principal use. 4. No structural addition is made to the existing structure.

Medical clinics.

Public utilities.

Utility substations.

Pumping stations.

Uses and buildings accessory to permitted special uses.

Multi-family dwelling units including apartments, townhouses, and condominiums.

Telecommunication towers.

C. Dimensional Requirements

- Minimum required lot area for the first dwelling unit - 10,000 square feet.
- Minimum required lot area for the second dwelling unit - 5,000 square feet.
- Minimum required lot area for multi-family dwelling units shall be controlled by the following schedule:

Size of Unit	Minimum gross site land area (including building coverage per dwelling unit)
0 - 2 bedrooms	5,445 square feet
3 bedrooms	7,250 square feet
4+ bedrooms	8,712 square feet

- Setback requirements shall be the same as for all buildings in this district.
- Minimum required lot width for the first dwelling unit - 60 feet.
- Minimum additional required lot width for each additional dwelling - 10 feet.
- Minimum required front yard depth - 30 feet.
- Minimum required side yard - 10 feet.
- Minimum required depth of rear yard - 20 feet.
- All principal buildings in a multi-family development shall be setback from each street right-of-way a minimum of 30 feet.

D. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the MF, Multi-Family District.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 13. C. U. MF, Multi-Family Residential District

Identical to the MF, Multi-Family Residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided in this article.

Section 14. RESERVED

Section 15. R-8, Residential-8 District

The R-8, Residential-8 District is designated as a residential district in which a variety of types of housing is permitted, including single-family and duplex residences, apartments, townhouses, condominiums and manufactured homes. Public water and sewage shall be required in this district.

A. Permitted Uses

Single-family dwellings and modular homes.
Accessory apartments.

Duplexes.
Churches.
Public and private schools.
Class A Manufactured Homes on individual lots.

Home occupations, such as dressmaking, catering, baking, hairdressing, laundering, cooking, designing, accounting, and the practice of law, medicine and dentistry, shall be permitted as accessory uses in residences or accessory buildings thereof provided that such operation shall be engaged in only by residents of the premises, that not more than twenty-five percent (25%) of the gross floor area of the residence shall be used for such occupation, that no display of products shall be visible from the street and no objectionable effects shall be produced or created.

Public recreation facilities, including community centers, parks, ballparks, playgrounds assembly halls, swimming pools, athletic courts.

Uses and buildings accessory to permitted uses.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case, a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of Article VIII.

Private recreation clubs-country clubs, golf courses, tennis clubs, swimming clubs, fraternal organizations.

Planned Unit Developments.

Condominiums.

Funeral Homes.

Hospitals, excluding veterinary hospitals

Fire stations.

Cemeteries.

Libraries.

Rest homes.

Homes for children.

Telecommunication towers.

Offices for business and professional uses provided: 1. The uses are restricted to existing structures. 2. The structure was originally constructed for non-residential use. 3. The structure is not an accessory or appurtenant building to a principal use. 4. No structural addition is made to the existing structure.

Medical clinics.

Public utilities.

Utility substations.

Pumping stations.

Uses and buildings accessory to permitted special uses.

Multi-family dwelling units including apartments, townhouses, and condominiums.

Class B Manufactured Homes on individual lots.

Manufactured home parks and subdivisions.

Zero Lot Line Developments

C. Dimensional Requirements

- Minimum lot area for the first dwelling unit - 8,000 square feet.
- Minimum required lot area for second dwelling unit - 4,000 square feet.
- The lot area requirements applicable to multi-family dwelling units in the MF, Multi-Family District shall apply to multi-family dwelling units in the R-8, Residential-8 District.
- Minimum required lot width for the first dwelling units - 50 feet.
- Minimum additional required lot width for each additional dwelling unit - 10 feet.
- Minimum required front yard depth - 20 feet.
- Minimum required side yard - 8 feet.
- Minimum required depth of rear yard - 15 feet.
- All principal buildings in a multi-family development shall be setback from each street right-of-way a minimum of 20 feet.

D. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the R-8, Residential-8 District.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 16. C. U. R-8, Residential-8 District

Identical to R-8, Residential-8 District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 17. R-5, Residential-5 District

The R-5, Residential-5 District is designated as a district in which the principal use of land is for single-family, duplex, manufactured homes and multi-family residences. The regulations of this district are intended to provide areas of the community for those persons desiring small residences and multi-family structures in relatively high density neighborhoods. Public water and sewage shall be required in this district.

A. Permitted Uses

Single-family dwellings and modular homes.
Accessory apartments.
Duplexes.
Churches.
Public and private schools.
Class A Manufactured Homes on individual lots.

Home occupations, such as dressmaking, catering, baking, hairdressing, laundering, cooking, designing, accounting and the practice of law, medicine, and dentistry, shall be permitted as accessory uses in residences or accessory buildings thereof provided that such operation shall be engaged in only by residents of the premises, that not more than twenty-five percent (25%) of the gross floor area of the residence shall be used for such occupation, that no display or products shall be visible from the street, and no objectionable effects shall be produced or created.

Public recreation facilities including community centers, parks, ballparks, playgrounds, assembly halls, swimming pools, athletic courts.

Uses and buildings accessory to permitted uses.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case

a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of Article VIII.

Private recreation clubs-country clubs, golf courses, tennis clubs, swimming clubs, fraternal organizations.

Planned Unit Developments.

Condominiums.

Funeral Homes.

Hospitals, excluding veterinary hospitals.

Fire stations.

Cemeteries.

Libraries.

Rest homes.

Homes for children.

Offices for business and professional uses provided: 1. The uses are restricted to existing structures. 2. The structure was originally constructed for non-residential use. 3. The structure is not an accessory or appurtenant building to a principal use. 4. No structural addition is made to the existing structure.

Medical clinics.

Public utilities.

Pumping stations.

Uses and building accessory to permitted special uses.

Multi-family dwelling units, including apartments, townhouses, and condominiums.

Manufactured home parks and subdivisions.

Class B Manufactured Homes on individual lots.

Telecommunication towers.

Zero Lot Line Developments

C. Dimensional Requirements

- Minimum lot area for the first dwelling unit - 5,000 square feet.
- Minimum required lot area for second dwelling unit - 2,500 square feet.
- The lot area requirements applicable to multi-family dwelling units in the R-5, Residential-5 District shall be as follows:

For a lot size up to one (1) acre, the minimum required lot area for the third and each additional dwelling unit - 4,500 square feet.

For lots over one (1) acre in size, there shall be a maximum density at the rate of ten (10) units per acre.

- Minimum required lot width for the first dwelling units - 50 feet.
- Minimum additional required lot width for each additional dwelling unit - 5 feet.
- Minimum required front yard depth - 20 feet.
- Minimum required side yard - 8 feet.
Aggregate width side yard - 16 feet. This provision shall be available only to new developments with a minimum size of five (5) acres. The minimum side yard width shall be two (2) feet. No structure shall be located closer than the aggregate side yard distance from an existing structure on an adjoining lot so that the minimum distance between principle structures shall always be the aggregate side yard distance. Easements on adjoining side yards shall be required to provide access to adjoining structures for construction, maintenance and repairs. The side yard requirement for lots which directly abut a lot of a different zoning classification shall be eight (8) feet.
- Minimum required depth of rear yard - 10 feet.
- All principal buildings in a multi-family development shall be setback from each street right-of-way a minimum of 20 feet.

D. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the R-5, Residential-5 District.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 18. C.U. R-5, Residential-5 District

Identical to R-5, Residential-5 District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 19. Renaissance Area Districts

The regulations for this district are designed to permit a concentrated development of permitted facilities within the central portion of Wake Forest.

A. Purpose and Intent

The purpose of these Renaissance Area Districts is to enact regulations that implement the vision and goals of The Renaissance Plan for the Heart of Wake Forest.

These regulations are intended to attach the same or greater level of importance to the overall building and site design as is placed on the use contained within to facilitate the creation of a convenient, safe, and attractive community. Buildings are expected to be added to Downtown Wake Forest as long-term additions to the architectural vibrancy of the community for the purpose of encouraging economic development activities that enlarge the tax base by providing desirable residences and places of shopping, employment and public assembly.

These regulations encourage the placement of buildings closer to each other as well as closer to the street where pedestrian activity is expected to occur. As the sidewalks remain the principal place of pedestrian movement and casual social interaction, designs and uses should be complementary of that function. This encourages pedestrian activity by providing an attractive destination and an interesting journey thereby reducing congestion and improving the overall quality of life in the Town of Wake Forest.

The guiding principle of the Renaissance Area Districts is that the use of the property, while important, is subordinated to the design of the building within which it is contained. This permits a greater deal of visual compatibility while encouraging mixed uses to be in close proximity of one another.

B. Renaissance Area Districts

In accordance with The Renaissance Plan, the area has been classified into three districts as follows:

1. Historic Core (RA-HC)

The Historic Core of the Renaissance Area permits the sensitive continuation of the “Main Street” environment of White Street and its secondary streets. The ground floor of buildings on White Street should be comprised of active uses including retail or restaurants with office and residential located on second stories. Side streets east of White Street may have a greater variety of ground floor uses.

2. Urban Center (RA-UC)

As with the Historic Core, the Urban Center accommodates an active, pedestrian-friendly area of commercial, residential, office, and civic uses in both vertically mixed-use, as

well as free-standing buildings. Retail should be placed at street level, with residential uses in rear or upper stories. Larger buildings are more easily accommodated in this area due to the presence of larger parcels.

3. Campus (RA-C)

The Campus area, while predominately comprised of civic, assembly, and institutional uses is encouraged to be mixed-use in overall composition while maintaining a close integration with the natural surroundings. Streets in this area should be planted with a regular spacing of canopy trees and parking lots should be away from the pedestrian realm.

C. Summary Table of District Provisions

Summary Table of District Provisions	Historic Core RA-HC	Urban Center RA-UC	Campus RA-C
Lot Dimensions			
Front Setback (min)	0 feet	0 feet	10 feet
Front Setback (max)	5 feet	15 feet	25 feet
Side Setback	0 feet	0 feet	6 feet
Rear Setback (no alley)	0 feet	20 feet	20 feet
Rear Setback (measured from centerline of alley)	0 feet from edge of alley pavement	15 feet	15 feet
Encroachments	Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback. Upper story balconies may encroach into the right-of-way up to 3 feet with permission from the Town.		
Height			
Minimum	16 Feet	n/a	n/a
Maximum	4 Stories up to 60 feet (3 Stories along White Street from Elm to Roosevelt)	3 Stories up to 45 feet	3 Stories up to 45 feet

D. Summary Table of Permitted and Special Uses

Summary Table of Permitted and *Special Uses	Historic Core RA-HC	Urban Center RA-UC	Campus RA-C
Residential	Multi-Family Homes Loft Apartments	Multi-Family Homes Loft Apartments	Multi-Family Homes (Town Homes, Condos, & Apartments) Loft Apartments
Lodging	Bed & Breakfast* Hotels & Inns*	Bed & Breakfast* Hotels & Inns*	Bed & Breakfast*
Retail	Retail Uses Convenience Store (no pumps)* Shopping Centers* Recreation Centers /Amusements* Food Sales & Service	Retail uses Shopping Centers* Recreation Centers /Amusements* Food Sales & Service Convenience Store (no pumps) Gas Station* Self-Storage Facility* Day Care Centers*	Retail Uses Shopping Centers* Recreation Centers /Amusements* Food Sales & Service Convenience Store (no pumps) Gas Station* Self-Storage Facility* Day Care Centers
Office/Service	Professional Office Home Occupations Personal Services Professional/Business Services Repair Services	Professional Office Home Occupations Personal Services Professional/Business Services Repair Services	Professional Office Home Occupations Personal Services Repair Services Professional/Business Services
Manufacturing	None permitted	None permitted	None permitted
Civic/Assembly	Civic/Assembly Uses Public Facilities	Civic/Assembly Uses Public Facilities	Civic/Assembly Uses Public Facilities
Other	Accessory Use/Building	Accessory Use/Building	Accessory Use/Building Essential Services* Wholesale Trade* Warehousing*

** **Special Uses:** After due notice and hearing and subject to conditions, and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case a Special Use Permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of Article VIII, Section 2 of the Zoning Ordinance.*

E. Urban Open Space

All development should provide useable urban open space. Examples of useable public open space include: a park or green, outdoor café or restaurant seating, a plaza with seating, a tot lot, a picnic area, or a wide arcade for strolling along store fronts. Public right-of-way, landscaping filled in around buildings and parking lots, and simple paths are not considered useable urban open space. The character and size of the public open space should be influenced by the surrounding uses (e.g. residential, retail, office) as well as by the prospective user groups (e.g. workers, shoppers, and youth).

Urban Open Space Dedication Requirements:	Historic Core RA-HC	Urban Center RA-UC	Campus RA-C
Minimum Dedication Requirement			
For Residential-Only Units	none	250 square feet per bedroom unit*	250 square feet per bedroom unit*
For Vertically Mixed-Use Development & Garage Apartments/Cottages	none	none	none
For Non-Residential Only Development	none	5% of Lot*	5% of Lot*

** The Town may require a payment in lieu of dedicated open space if it deems appropriate.*

Dedication Standards: For the purposes of this calculation, developers should make a good faith estimate at the time of Development Plan submission. In general, Single-Family Homes are calculated at a rate of 3 bedrooms per unit, unless otherwise specified. Greenways are credited towards this requirement at a rate equal to the length of the path times 16 feet in width.

F. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the Renaissance Area Districts.

G. Off-Street Parking

Except as modified in Article VI, Section H. Renaissance Area, off-street parking shall be provided as required in Article VII of this ordinance.

Section 20. C.U. RA-HC, Renaissance Area Historic Core District

Identical to the RA-HC, Renaissance Area Historic Core District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 21. C.U. RA-UC, Renaissance Area Urban Center District

Identical to the RA-UC, Renaissance Area Urban Center District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 22. C.U. RA-C, Renaissance Area Campus District

Identical to the RA-C, Renaissance Area Campus District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 23. NB, Neighborhood Business District

The NB, Neighborhood Business District is established as a district in which the principle use of land is for retail trade and service purposes of a lower intensity than the HB, Highway Business District, which are properly located near residential areas and which cater to the everyday needs of nearby residential neighborhoods, stressing accessibility by automobiles, bicycles, and pedestrians.

A. Permitted Uses

Food Sales and Service: Cafes and coffee shops, caterers, delicatessens, grocery stores, ice cream shops, meat markets, restaurants, and soda fountains.

Personal Services: Barber shops, beauty shops, laundromats and dry-cleaning and laundering pick-up stations, pet grooming (provided there is no boarding of animals), and tailor and seamstress shops.

Professional and Business Services: Accountants and tax services, attorneys, banks and other financial institutions, copy centers (consumer oriented), doctors' and dentists' offices, offices for business and professional uses, photography studios, photo processing (consumer oriented), real estate sales and rental, travel agents, and veterinary clinics (with no outdoor runs or pens).

Public Facilities: Assembly halls (with 250 seats or less), boys and girls clubs, community centers, governmental offices, libraries, museums and art galleries, post offices and mail box centers, public safety facilities, police, fire, and EMS stations, public utilities, religious facilities, and senior centers.

Recreation: Art studios, country clubs, dance studios, fraternal organizations, golf courses (miniature), health clubs and fitness centers, music studios, parks and playgrounds, swimming clubs, tennis clubs, and theaters (indoor) (live and movie, with 250 seats or less).

Repair Services: Shoe repair shops and small appliance and electric equipment repair shops.

Retail: Antiques, art and frames, books, cameras, candy, china and pottery, convenience stores (with no gasoline sales), clothing, computers and accessories, drugs, fabric, gifts, greeting cards and stationery, hardware, jewelry and watches, lamps and lampshades, medical supplies (consumer sales), music and musical instruments, paint and wallpaper, personal items, pets and pet supplies, rugs and carpets, shoes, small appliances and electronic equipment, and video, music, and DVD rental and sales.

Other / Miscellaneous: Automated car washes as accessory to convenience stores and gas stations, parking lots, schools, public and private (primary, secondary, collegiate, and technical, business, vocational, or professional training), and uses and buildings accessory to permitted uses.

Child Care Centers

B. Special Uses

After due notice and hearing subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of Article VIII.

Personal Services: Bed and breakfast homes, day care centers (children or adults), and funeral homes and crematoriums.

Professional and Business Services: Automated car washes (drive through tunnel) and taxicab call stands.

Public Facilities: Assembly halls (with more than 250 seats) and cemeteries.

Recreation: Recreational facilities (indoor) not otherwise listed and theaters (indoor) (live and movie, with more than 250 seats).

Repair Services: Auto repair shops.

Retail: Automotive service facilities, convenience stores (with gasoline sales), garden centers and nurseries, produce stands, and shopping centers.

Other/Miscellaneous: Self-Storage facilities (mini-warehouses), telecommunication towers, Uses and buildings accessory to special uses.

C. Dimensional Requirements

- No minimum lot area.
- Maximum lot area for shopping centers – 15 acres
- Maximum square footage in structures, including multiple floors – 20,000 square feet of gross floor area shall be the maximum permitted for any one establishment, with the exception of grocery stores which are not to exceed 50,000 square feet of gross floor area, with an allowed variance of 5% which may be granted by staff under special circumstances. Total square feet of gross floor area in any one project or shopping center, including out parcels and accessory buildings, shall not exceed 125,000.
- No minimum lot width.
- Minimum required depth of front yard shall be twenty (20) feet which shall be developed for sidewalks, grass and plants and the necessary driveways. Off-street parking shall not be permitted to this area.
- Minimum required side yard - 15 feet.
- Minimum required depth of rear yard - 20 feet.

D. Supplementary District Regulations

All supplementary district regulations stated in Article VI of this ordinance shall apply to the NB, Neighborhood Business District.

All permitted uses in this district are subject to installation and approval by the Town Manager of curbs, gutters, storm drainage structures, sidewalks, entrances and exits, street paving, water and sewer facilities, and garbage collection procedures.

E. Off-Street Parking

Off-street parking shall be provided in the NB, Neighborhood Business District as required in Article VII of this ordinance.

All permitted uses in this district are subject to installation and approval by the Town Manager of curbs, gutters, storm drainage structures, sidewalks, entrances and exits, street paving, water and sewer facilities, and garbage collection procedures.

Section 24. C.U. NB Neighborhood Business District

Identical to the NB, Neighborhood Business District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 25. HB, Highway Business District

The HB, Highway Business District is generally located on the major radial highways into Town and provide offices, services and retail goods. The regulations for this district are intended to require ample parking, controlled traffic movement and suitable landscaping as well as to prevent strip commercial development.

A. Permitted Uses

Stores retailing: automobile accessories, groceries, drugs, notions, fish, meat, antiques, hardware, upholstery, paints, furniture, appliances, radio and television, automobiles, bicycles, motorcycles, paint and wallpaper, electrical and plumbing fixtures, nursery stock and supplies, bakeries, book stores, candy, clothing, dry goods, gifts, hobbies, and crafts, jewelry, leather goods, magazines, musical goods, pets, seed and feed, sporting goods, shoes and toys.

Child care center, video sales and rentals.

Motels, banks, tourist homes, barber and beauty shops, shoe repair, laundry and dry cleaning, dry cleaning pick up stations, restaurants, ABC stores, service stations, parking lots, radio and television repair, funeral homes, drive-ins dispensing foods, radio and television broadcasting stations, offices, nursing and rest homes, automobile wash, wholesale and jobbing establishments including incidental retail outlets for only such merchandise as is handled at wholesale, tire recapping and retreading, business offices, cafeterias, financial offices, florists, governmental offices, medical offices, household equipment, greenhouses, and nurseries, guest houses, hotels, libraries, pool halls, theaters, washerettes, professional offices, repair and services of offices.

Self-service storage facility

Veterinary Clinics

Signs subject to requirements of Article VI, Section 5.

Dog Kennel

Uses and buildings accessory to permitted uses.

B. Special Uses

After due notice and public hearing and subject to conditions and safeguards to be fixed by the Board of Commissioners, based on a recommendation of the Planning Board in each case a special use permit may be granted by the Board of Commissioners for uses listed below, subject to the requirements of Article VIII.

Shopping centers.

Telecommunication towers.

C. Dimensional Requirements

Minimum required lot area - 20,000 square feet.

Minimum required mean lot width - 150 feet.

Minimum required depth of front yard shall be thirty (30) feet from street right-of-way. The first ten (10) feet back from the street shall be developed for sidewalks, grass and plants, and the necessary off-street parking shall not be permitted in this area.

Minimum required side yard shall be ten (10) feet.

Minimum required rear yard - thirty (30) feet.

D. Supplementary District Regulations

All supplementary district regulations stated in Article VI of this ordinance shall apply to the HB, Highway Business District.

All permitted uses in this district are subject to installation and approval by the Town Manager of curbs, gutters, storm drainage structures, sidewalks, entrances, and exits, street paving, and water and sewer facilities.

E. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

Section 26. C.U. HB, Highway Business District

Identical to the HB, Highway Business District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided in this article.

Section 27. I-Industrial District

The I-Industrial District is established as a district in which the principle use of the land is for industry and those uses which can be operated in a relatively clean and quiet manner and which are conducive to industrial development while not being a nuisance to adjacent residential or commercial district.

A. Permitted Uses

All uses in industrial district shall be permitted only as special uses.

B. Special Uses

Any use is permitted in this district provided a special use permit has been issued. Uses which are seen as suitable for the proposed site and which will benefit the Town

economically are encouraged to locate within Wake Forest. Conflicting land uses are discouraged but if the proposed use is seen as following the guidelines of the Land Development Plan, and thorough findings of fact has been provided, and sufficiency safeguards are provided, consideration will be given to the use. These uses shall in no way be detrimental to public health, safety, and welfare and shall cause little environmental disruption.

The location of said industry shall not impose an undue burden on any utilities, facilities or services of the Town.

C. Prohibited Uses

Buildings or uses manufacturing:

Acetylene gas

Acid

Ammonia

Bleaching powder

Chlorine

Superphosphate and other phosphate.

Nitrogenous tankage, fish meal, or any fertilizer materials carrying an objectionable odor.

Fertilizer or any other product involving the use of dusty or granular ingredients, unless the manufacturing process and the transfer of the ingredients is carried on under cover or is so screened that the emanation of dust beyond the industrial district is prohibited.

Fireworks or explosives.

Turpentine.

Paints, varnish, resin, or shellac which requires distillation or heating of ingredients.

Soap manufactured from animal fats but not from vegetable or mineral oils.

Vinegar.

Storage yard for wrecked, dismantled or partially dismantled automobile vehicles.

Junkyards or shops for purchase, sale, handling, bailing or storage of scrap paper, scrap metals, scrap rubber, broken bottles, or rags, wherein the conduct of which establishment these materials are on the premises, except where the waste consists of scrap metals from industrial plants, created by stamping, punching, milling, lathing, screw machinery, or like manufacturing process, but not by the wear or deterioration of finished products; storage of materials is in enclosed buildings; the scrap materials are transported in containers, cartons, or enclosed vehicles.

Rendering operations including the reduction of inedible animal matter.

Open pit rock quarry.

Any use or trade which, though properly and safely operated with ordinary care, according to good and reasonable practice, causes noxious or offensive odors, gas, fumes, smoke, dust or vibration of noise which substantially interferes with other uses of property permitted in the district.

Dwellings or residences, except the residence of a caretaker or watchman

Farms

Schools

D. Dimensional Requirements

- Minimum required lot width - 100 feet.
- Minimum required lot depth - 150 feet.
- Minimum required lot size - 40,000 square feet.
- Minimum front yard depth shall be thirty feet which shall be devoted for sidewalks, grass, plants, and the necessary driveways. Off-street parking shall not be permitted in this area.
- Minimum required width of side yards - 15 feet.
- Minimum required depth of rear yard - 20 feet.

E. Supplementary District Regulations

All supplementary district regulations stated in Article VI of this ordinance shall apply to the Industrial District.

All permitted uses in this district are subject to installation and approval by the Town Manager of curbs, gutters, storm drainage structures, sidewalks, entrances and exits, street paving, and water and sewer facilities.

F. Off-Street Parking

Off-street parking shall be provided in the I, Industrial District as required by Article VII of this ordinance.

Section 28. C.U. I, Industrial District

Identical to the I, Industrial District except that a Conditional Use Permit is required as a prerequisite to any use or development as provided for in this article.

Section 29. O-I, Office and Institution District

This district is intended to provide for office and institution development and, where appropriate, to serve as a transitional buffer between residential and non-residential districts. To ensure that conflict in land use is kept to a minimum, strict development controls are employed, such as limits on retail uses, buffers, height and signs. This district is intended to be easily accessible, and therefore, placed adjacent to or accessible from a thoroughfare of not less than sixty (60) feet right-of-way. The regulations for this district are intended to require easy access, ample parking and suitable landscaping.

A. Permitted Uses

Professional offices and services including but not limited to governmental, accountant, architect, artists, banker, broker copying facilities, dentist, engineer, insurance, landscape architect, lawyer, nurse, physician, planner, realtor, chiropractor, optometrist, secretarial agency, publicity agency, travel agency, bonding agency, dental laboratories, mortgage agency, and finance agency.

All permitted uses allowed in residential districts except manufactured homes and single-family homes and duplexes.

Churches, charitable organizations, or civic agencies.

Public or private schools, child care centers, colleges, medical clinics, hospitals, nursing homes, and vocational schools.

Retail uses not involving retail trade nor the maintenance of a stock of goods, except such uses may include art and crafts supplies shop, barber shop, beauty shop, camera shop, film depository, gift shop, optical shop, pharmacy, restaurant, dry-cleaning and banking. There shall be no drive-in trade, except in connection with a bank or laundry. Retail uses shall be limited to housing with a principal building for the principal permitted office use and when the total floor area of all retail uses combined does not occupy more than twenty percent (20%) of the total gross floor area of the building.

Commercial and non-profit recreational facilities.

Utility Offices.

B. Special Uses

Bed and Breakfast Homes.

Multi-family developments.

Telecommunication towers.

C. Dimensional Requirements

- Minimum required lot area: 5,000 square feet
- Minimum required mean lot width: 50 feet
- Minimum required depth of front yard: 30 feet
- The front yard shall be developed for landscaping, walkways, driveways and off-street parking shall not be permitted in this area.
- Minimum required side yard: 10 feet
- Minimum required depth of rear yard: 20 feet
- A maximum density of 10 units per acre shall be permitted for multi-family dwelling units.

D. Supplementary District Regulations

All supplementary district regulations stated in Article VI of this ordinance shall apply to the O-I, Office and Institution District. All permitted uses and special uses in this district are subject to installation and approval by the Town Engineer of curbs, gutters, storm drainage structures, sidewalks, entrances and exits, street paving, water and sewer facilities, and garbage collection procedures.

E. Off-street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

F. Site Plan Review

1. None of the uses authorized, except a single office on one lot, shall be permitted until a site plan showing the proposed development of the site has been approved by the Board of Commissioners after a recommendation thereon has been made by the Planning Board. The site plan shall be submitted in accordance with Article IV, Section 12 of this ordinance.

The subdivision review under the Wake Forest Subdivision Regulations shall be carried out as an integral part of the review of such development. In cases of conflict the more restrictive and/or more detailed regulations shall apply.

2. The following site plan standards shall apply for approving a site plan:
 - a. Minimum required access:
 - 1) Two (2) acre sites or less - 60 foot right-of-way.
 - 2) Sites greater than two (2) acres - 70 foot right-of-way.
 - b. The Board of Commissioners may impose conditions upon the installation and operation of the proposed use(s) to ensure that the accumulated potential impact of the proposed use, including lighting, glare, noise, dust, fumes, odor, vibrations, will not interfere with the use of the other properties in the vicinity, or the scale of hours of operation of the proposed use(s) will not substantially alter the residential character of the immediate vicinity, or the potential pedestrian or vehicular traffic that could be generated due to the use(s) will adequately and safely accommodated on adjoining streets and pedestrian paths.
 - c. The Board of Commissioners may refuse to approve a site plan on the grounds that it fails adequately to protect residentially zoned property in the near vicinity or that the proposal fails to provide safe conditions for pedestrians and motorists.

Section 30. C.U. O-I, Office and Institutional District

Identical to O-I, Office and Institutional District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this article.

Section 31. Falls Lake Watershed Protection Overlay District

The Falls Lake Watershed Protection regulations are established as an overlay district to preserve water quality in the Falls Lake water supply watershed in order to provide safe drinking water. The intent of this district is to establish regulations which ensure the availability of public water supplies at an acceptable level of water quality for present and future residents.

A. Authority

This section is adopted pursuant to G.S.143-214.5 and the Water Supply Watershed Protection Rules established by the N.C. Environmental Management Commission.

B. Applicability

The Falls Lake Watershed Protection Overlay District is an overlay district with regulations, when implemented, shall be super-imposed on all zoning districts within the Falls Lake water supply watershed. The Falls Lake Watershed Protection Overlay District may be established for land within the watershed of the Falls Lake Reservoir as an alternative to the R-80W and R-40W zoning districts. The Falls Lake Watershed Protection Overlay District shall consist

of two (2) sub-areas: (1) the watershed management area, and (2) the critical water quality area.

1. Development Procedures

a. Zoning Changes

- 1) Zoning changes within the Falls Lake Watershed Protection Overlay District shall require the petitioner to submit an application under the conditional use zoning procedures of the Town of Wake Forest.
- 2) All conditional use zoning petitions within the Falls Lake Watershed Protection Overlay District shall include detailed information as to how the development of the property will conform to the requirements of this section. This information shall include but not limited to: topographic analysis, soil analysis, vegetation analysis, impervious surface areas, and watershed protection measures.

2. Exceptions

All land in the Falls Lake Watershed Protection Overlay District shall be developed in accordance with the requirements of this section except for the following:

- a. Existing development, except that expansions to structures other than single-family development shall meet the requirements of this section; however, the built-upon area of the existing development is not required to be included in the density or impervious surface area calculations.
- b. Redevelopment or reconstruction of existing development is allowed if the rebuilding activity does not have a net increase in built-upon area or provides equal or greater storm water control than the previous development as allowed by this section, except that there are no restrictions on single-family residential development.
- c. A deeded single-family lot owned by an individual prior to the effective date of this section (July 1, 1993), provided it is developed for single-family use.
- d. A non-conforming lot of record, not contiguous to any other lot owned by the same party, provided it is developed for single-family use.
- e. Any lot or parcel created as part of a family subdivision on or after July 1, 1995, provided it is developed for one single-family detached residence and if it is exempt from the subdivision regulations.

3. Zoning Jurisdiction Expansion

All land brought into Wake Forest jurisdiction, located within the Falls Lake watershed at the time of an ETJ extension by the County of Wake or annexation, shall be zoned by the Town of Wake Forest to R-80W or R-40W. Any subsequent change to another zoning district shall require conditional use zoning.

C. Development Standards

Within the Falls Lake Watershed Protection Overlay District, in addition to the normal underlaying zoning district requirements, the following standards shall apply. These conditions shall become part of any conditional use rezoning petition.

1. Impervious surface limitations/Density limits.

a. Critical water quality area.

- 1) Residential. New residential development shall not exceed a density of one (1) dwelling unit per two (2) acres and shall not exceed an impervious surface area of six percent (6%) on a project-by-project basis. For the purpose of calculating the impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.
- 2) Non-residential. New non-residential development shall not exceed six percent (6%) impervious surface area on a project-by-project basis. For the purpose of calculating the impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.

b. Watershed management area.

- 1) Residential. New residential development shall not exceed: a density of one (1) dwelling unit per one (1) acre on a project-by-project basis and twelve percent (12%) impervious surface area on a project-by-project basis where municipal sanitary sewer and water services are not provided, or twenty-four percent (24%) impervious surface area on a project-by-project basis where municipal sanitary sewer and water services are provided. For the purpose of calculating the impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.
- 2) Non-residential. Non-residential development shall not exceed: twelve percent (12%) impervious surface area on a project-by-project basis where municipal sanitary sewer and water services are not provided, or twenty-four percent (24%) impervious surface area on a project-by-project basis where municipal sanitary sewer and water services are provided. For the purposes of calculating impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.

- 3) Non-residential high density option. New non-residential development shall not exceed seventy percent (70%) impervious surface area on a project-by-project basis. For the purpose of calculating the impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.

2. Watercourse buffer areas.

- a. A Drainageway Buffer shall be maintained along each side of a perennial stream and shall be a width of fifty (50) feet; and, a twenty-five (25) foot wide Drainageway Buffer shall be maintained along each side of an upper watershed drainageway, as defined in Article III, Section 2 of this Ordinance, up to a point where less than five (5) acres are drained by such upper watershed drainageway. In order to determine the amount of land drained by an upper watershed drainage way or a stream, USGS or Wake County topographic maps may be used.
- b. A one hundred (100) foot wide natural vegetated Water Supply Impoundment Buffer, measured perpendicular from the normal pool shoreline, shall be maintained around Water Supply Impoundments on streams which have been classified WS-III and WS-IV by the N. C. Environmental Management Commission or successor authority.
- c. A one hundred (100) foot wide Water Supply Impoundment Buffer, measured perpendicular to the stream bank, shall also be maintained along the banks of streams which have been classified WS-III and WS-IV.
- d. For all new non-residential development activities that utilize the high density option, a minimum on hundred (100) foot wide Drainageway Buffer shall be required along all perennial waters indicated on the most recent versions of USGS or Wake County topographic maps or as determined by local studies.
- e. Drainageway Buffers and Water Supply Impoundment Buffers shall remain natural and undisturbed except as may be necessary to accommodate any of the following uses:
 - 1) Boat docks, ramps, piers, or similar structures;
 - 2) Greenways, pedestrian paths, path shelters and benches, and related recreational uses;
 - 3) Reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places;
 - 4) Drainage facilities or utilities;

- 5) Roads, provided they cross the buffer at a horizontal angle of at least sixty (60) degrees;
- 6) Forestry and husbandry activities that eliminate diseased, infected or damaged timber or nuisance vegetation;
- 7) Sedimentation and erosion control measures and devices as approved by the Wake County Department of Community Development Services;
- 8) Construction of new lakes or ponds, or expansion of existing lakes or ponds, provided that applicable buffers shall be designated around such lakes or ponds.
- 9) Flag poles, signs and security lights, and other such structures which result in only minimus increases in impervious area.

These activities shall minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of best management practices (BMP's).

- f. The requirements of the Neuse River Riparian Buffer Rules shall apply concurrently with the required Drainageway Buffers required above.

3. Setback from Buffers.

All buildings and structures shall be set back a minimum of twenty (20) feet from the edge of any drainage way buffer or water supply improvement buffer. Where the setback from a buffer results in a greater setback than from a lot line, the requirements of this paragraph shall control.

4. On-Site Erosion Control Measures.

- a. No development permit shall be issued until approved watershed management protection measures are in place.
- b. No land disturbing activities shall be allowed until all plans are approved and necessary permits have been obtained.
- c. Development shall comply with the regulations of the Town of Wake Forest erosion and sedimentation control ordinance.
- d. Storm-water runoff shall be transported by vegetated conveyances to the maximum extent practicable.
- e. For new non-residential development activities utilizing the high density option, engineered storm-water controls shall be required to control the runoff from the first

inch of rainfall. The operation and maintenance of the required engineered storm-water controls shall be the ultimate responsibility of the Town of Wake Forest.

5. Hazardous Materials.

- a.** Existing and new industrial development shall maintain an inventory of all hazardous materials used and stored on the premises; and, prepare a spill/failure containment plan and implement safeguards against contamination; and, encourage waste minimization and the appropriate recycling of materials.
- b.** New industrial development shall incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are either used, stored or manufactured on the premises.

D. Restricted Uses

The following uses are prohibited in the Reservoir Watershed Protection District:

- 1.** Processing of mineral products;
- 2.** Lumber mills and saw mills;
- 3.** Processing of animal and vegetable products;
- 4.** The storage of toxic and hazardous materials unless a spill containment plan is implemented;
- 5.** Landfills and discharging landfills;
- 6.** Sites for land application of sludge/residuals or petroleum contaminated soils;
- 7.** Discharges of sewage, domestic wastewater, industrial wastes, non-process industrial wastes, or other wastes except as permitted by the Division of Environmental Health, N.C. Department of Environment, Health and Natural Resources or successor authority;
- 8.** Any use determined by the Town of Wake Forest to be detrimental to the quality of water in water supply watersheds by posing a threat of run-off, leaching or other types of pollution.

E. Site Plan Review

None of the uses authorized by the underlying zoning district, except a single dwelling on one lot, shall be permitted until a development plan of the site has been approved by the Board of Commissioners after a recommendation thereon has been made by the Planning

Board. The development plan shall be submitted in accordance with Article IV, Section 12 of this ordinance.

Section 32. Special Highway Overlay District (SHOD)

This district is established as an overlay district to protect and to preserve the natural scenic beauty along major access corridors located in the Town of Wake Forest's zoning jurisdiction; and, to protect the carrying capacity of these major thoroughfares by reducing the hazards arising from necessary points of ingress and egress and cluttered roadside development; and, to reduce the costs of future highway expansions by requiring buildings and structures to be sufficiently set back from rights-of-way to provide adequate storage for vehicles until they can safely enter the highway. It is the intent of this district to ensure that development occurring in the special highway overlay district shall be in harmony with and shall preserve the natural beauty and character of the existing landscape.

A. Location

1. For the purpose of this section, the following are major access corridors:
 - a. Highway US-1.
 - b. NC-98, beginning at intersections with proposed NC-98 By-pass and extending to zoning jurisdiction limits.
 - c. Proposed NC-98 By-pass.
2. The district is located on either side of a major access corridor (as designated above) beginning at the centerline of the existing or proposed right-of-way. The depth of the district is one thousand (1,000) feet and shall follow identifiable boundaries whenever possible measured on either side of the right-of-way of the major access corridor.

Exceptions to the district depth and location can be applied:

- a. Where identifiable conditions exist to screen the visibility of motorists, or
- b. At an intersection targeted for shopping center development.

B. Uses

The uses permitted or prohibited in the special highway overlay district shall be the uses permitted or prohibited in the underlying zoning district.

C. Dimensional Requirements

Dimensional requirements shall be those stated for the underlying zoning district. Where standards of the overlay district and the underlying district differ, the more restrictive standard shall apply. For lots abutting a major access corridor, as identified in Part A.1 of this section, the following dimensional requirements shall apply:

1. Front yard: The minimum front yard shall be 100 feet. The minimum front yard shall be 50 feet if off-street parking and display areas are located in side and rear yards.
2. Corner side-yard: The minimum corner-side yard shall be 50 feet.
3. Minimum lot size: 80,000 square feet for non-residential development. Residential development lot size shall comply with underlying zoning district.
4. Mean lot width: 200 feet.
5. Adjustment of Yard Requirements.

The Planning Board, in reviewing an application for a special use or site plan, may adjust (either reduce or increase) minimum SHOD yards and setback requirements for yards adjacent to the major access corridor or intersecting streets upon making a finding that the proposed adjustment of those requirements:

- a. Will not substantially defeat the purposes for which those requirements were established, as set forth in Article V, Section 24 of this ordinance;
- b. Is necessitated by the configuration and/or topography of the land, which makes it impractical to comply with the yard and setback requirements of this section;
- c. Is no greater than is necessary to allow for reasonable development of the tract; and
- d. Will not adversely affect the value of adjoining or abutting property, or that the use is a public necessity.
- e. Is necessitated to preserve existing natural vegetation considered to be a landmark or in an advanced stage of growth, removal of which would visually affect the natural wooded character of the area.

Such findings will be in addition to and not in lieu of any finding required by Article IV, Section 12 or Article VIII of this ordinance.

D. Off-street Parking

Off-street parking shall be provided as required by the underlying zoning district. To achieve the purposes of the special highway overlay district, it is preferred that off-street parking be located in side and rear yards.

E. Supplemental District Regulations

All supplementary district regulations stated in Article VI of this ordinance and the standards of the special highway overlay district shall apply. Where these standards differ, the more restrictive standard shall apply.

- 1. Driveways:** a) One combined entrance and exit shall be permitted for each lot with frontage along a major access corridor; b) For lots with 500 feet or more of frontage along a major access corridor, two (2) combined entrances and exits shall be permitted; c) For lots with frontage on an access/frontage road adjacent to a major access corridor, the number of entrances shall be determined as provided in Article VI, Section 1 of this ordinance.

2. Landscaping and Buffering:

It is the intent of this section that as much of the tract as possible be left in an undisturbed or enhanced state of vegetation, and that sufficient areas of natural buffer remain so that the proposed use will be visually in harmony with the natural wooded character of the area. Removing or denuding of natural forest vegetation along major access corridors is strongly discouraged; however, it is understood that conditions may exist as stated in Section C.5, that may warrant removing of natural forest vegetation.

a. Buffering

- 1) A minimum SHOD yard of fifty (50) feet of natural vegetation or its planted equivalent shall be preserved from the edge of the existing or proposed right-of-way of any major access corridor within the district.
- 2) A minimum SHOD yard of thirty (30) feet of natural vegetation or its planted equivalent shall be preserved from the edge of the existing or proposed right-of-way of any access/frontage road adjacent to any major access corridor.
- 3) A minimum SHOD yard of thirty (30) feet of natural vegetation or its planted equivalent shall be adjacent to a street which intersects with a major access corridor for a distance of 200 feet.
- 4) Those portions of front, rear or side yards not adjacent to a major access corridor or not part of the 50 foot SHOD yard and are not devoted to the uses, buildings and structures of a permitted use shall be preserved to retain the existing natural vegetation.
- 5) This part shall not apply to existing lots of record that are developed for single-family detached or duplexed dwelling units.

b. Screening and Landscaping

- 1) Where SHOD yards along major access corridors are required, the existing natural vegetation shall be retained. If limited or no vegetation exists, then the SHOD yard shall be planted at a rate of five (5) trees per fifty (50) feet of SHOD yard.
- 2) Where SHOD yards along intersecting streets or access/frontage roads adjacent to any major access corridor are required, the existing natural vegetation shall be retained. If limited or no vegetation exists, the SHOD yard shall be planted at a rate of three (3) trees per fifty (50) linear feet of SHOD yard.
- 3) In yards not devoted to use, buildings, and structures, the existing natural vegetation shall be retained. If limited or no vegetation exists, the yard shall be planted consistent with the standards specified in Article VI, Section 7 of this ordinance.

F. Site Plan Review

1. None of the uses authorized by the underlying zoning district, except a single-family or two-family dwelling unit on one lot, shall be permitted until a site plan showing the proposed development of the site has been approved by the Board of Commissioners after a recommendation thereon has been made by the Planning Board. The site plan shall be submitted and reviewed in accordance with Article IV, Section 12 of this ordinance.
2. No grading permit shall be issued or no land-disturbing activities shall be allowed until all plans are approved. No land disturbing activities shall take place within the 50 foot SHOD yard except for required driveways, utility mains, and easements.
3. The 50 foot SHOD yards adjacent to a major access corridor and intersecting streets shall be shown on site plans within the special highway overlay district.

G. Expansions and Changes of Use

For properties which have expansions or additions which singularly or collectively exceed twenty-five (25%) percent of the gross floor area and/floor surface area, or change use which requires additional off-street parking made after application of this section, the SHOD yard requirements are as follows:

1. Where adjacent to a major access corridor, provide SHOD yard of twenty-five (25) feet of natural vegetation or planted equivalent. Screening shall be provided at a rate of three (3) trees per fifty (50) linear feet of SHOD yard.
2. Where adjacent to a street intersecting a major access corridor, provide a SHOD yard of fifteen (15) feet of natural vegetation or planted equivalent. Screening shall be provided at a rate of two (2) trees per (50) linear feet of SHOD yard.

Section 33. R-80W, Residential-80 Watershed Protection District

The purpose of this district is to limit the amount and type of development to low intensity residential and non-residential uses in the critical water quality area of water supply watersheds and watershed management areas classified WS-II by the N. C. Environmental Management Commission. The intent of the regulations is to preserve water quality in water supply watersheds by reducing the threat of run-off pollution to water supplies in order to provide safe drinking water at an acceptable level of water quality for present and future residents.

This section is adopted pursuant to G.S.143-214.5 and the Water Supply Watershed Protection Rules established by the N. C. Environmental Management Commission.

A. Permitted Uses

Single-family dwellings.

Modular homes.

Bona-fide farms, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Bona-fide farm activity conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of USGS 1:24,000 (7.5 minute) scale topographic maps or Wake County topographic maps. Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission.

Public utilities.

Utility substations.

Home occupations.

Public recreation facilities.

Accessory buildings and uses.

B. Specials Uses

Manufactured homes.

Planned Unit Developments.

Private recreation facilities.

Cemeteries.

Fire and rescue stations.

Accessory buildings and uses to permitted special uses.

Telecommunication Towers

C. Dimensional Requirements

- The minimum lot area for each dwelling unit or principal use shall be 80,000 square feet. In a Planned Unit Development, the maximum overall density of a development shall not exceed one (1) dwelling unit per two (2) acres of the gross acreage of the development site.
- Minimum required lot width - 150 feet.
- Minimum required depth of front yard - 40 feet.
- Minimum required width of side yard - 20 feet.
- Minimum required depth of rear yard - 30 feet.

D. Development Standards

1. Watercourse Buffer Areas

- a. A drainage way buffer shall be maintained along each side of a perennial stream and shall be a width of fifty (50) feet; and, a twenty-five (25) foot wide drainage way buffer shall be maintained along each side of an upper watershed drainage way, as defined in Article III, Section 2 of this ordinance, up to a point where less than five (5) acres are drained by such upper watershed drainage way.

In order to determine the amount of land drained by an upper watershed drainage way or a stream, USGS or Wake County topographic maps may be used.

- b. A one hundred (100) foot wide natural vegetated Water Supply Impoundment Buffer, measured perpendicular from the normal pool shoreline, shall be maintained around Water Supply Impoundments on streams which have been classified WS-II, WS-III and WS-IV by the N. C. Environmental Management Commission or successor authority.

A one hundred (100) foot wide Water Supply Impoundment Buffer, measured perpendicular to the stream bank, shall also be maintained along the banks of streams which have been classified WS-II, WS-III and WS-IV.

- c. Drainage way Buffers and Water Supply Impoundment Buffers shall remain natural and undisturbed except as may be necessary to accommodate any of the following uses:
 - 1) Boat docks, ramps, piers, or similar structures;
 - 2) Greenways, pedestrian paths, path shelters and benches, and related recreational uses;

- 3) Reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places;
- 4) Drainage facilities or utilities;
- 5) Roads, provided they cross the buffer at a horizontal angle of at least sixty (60) degrees;
- 6) Forestry and husbandry activities that eliminate diseased, infected or damaged timber or nuisance vegetation;
- 7) Sedimentation and erosion control measures and devices as approved by the Wake County Department of Community Development Services;
- 8) Construction of new lakes or ponds, or expansion of existing lakes or ponds, provided that applicable buffers shall be designated around such lakes or ponds.

These activities shall minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of best management practices (BMP's).

2. Impervious Surface Limitations

The maximum amount of impervious surface area shall not exceed six (6%) percent of the development site.

3. Setback from Buffers

All buildings and structures shall be set back a minimum of twenty (20) feet from the edge of any drainage way buffer or water supply improvement buffer. Where the setback from a buffer results in a greater setback than from a lot line, the requirements of this paragraph shall control.

4. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the R-80W Watershed Protection District.

5. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

6. Hazardous Materials

- a. Existing and new industrial development shall maintain an inventory of all hazardous materials used and stored on the premises; and, prepare a spill/failure containment plan and implement safeguards against contamination; and, encourage waste minimization and the appropriate recycling of materials.
- b. New industrial development shall incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are either used, stored or manufactured on the premises.

7. On-site Erosion Control Measures

- a. No development permit shall be issued until approved watershed management protection measures as in place.
- b. No land disturbing activities shall be allowed until all plans are approved and necessary permits have been obtained.
- c. Development shall comply with the regulations of the Town of Wake Forest erosion and sedimentation control ordinance.

E. Restricted Uses

The following uses are prohibited in the R-80W Watershed Protection District:

- 1. The storage of toxic and hazardous materials unless a spill containment plan is implemented;
- 2. Landfills and discharging landfills;
- 3. Sites for land application of sludge/residuals or petroleum contaminated soils;
- 4. Discharges of sewage, domestic wastewater, industrial wastes, non-process industrial wastes, or other wastes except as permitted by the Division of Environmental Health, N. C. Department of Environment, Health and Natural Resources or successor authority;
- 5. Any use determined by the Town of Wake Forest to be detrimental to the quality of water in water supply watersheds by posing a threat of run-off, leaching or other types of pollution.

F. Compliance with Other Plans and Regulations

All other officially adopted plans and all other pertinent ordinance features shall be applicable and in addition to the regulations presented herein.

G. Exceptions

All land in the R-80W Watershed Protection District shall be developed in accordance with the requirements of this section except for the following:

1. Existing development, except that expansions to structures other than single family development shall meet the requirements of this section; however, the built-upon area of the existing development is not required to be included in the density or impervious surface area calculations.
2. Redevelopment or reconstruction of existing development is allowed if the rebuilding activity does not have a net increase in built-upon area or provides equal or greater storm water control than the previous development as allowed by this section, except that there are no restrictions on single family residential development.
3. A deeded single-family lot owned by an individual prior to the effective date of this section (July 1, 1993), however this exemption does not apply to multiple lots under single ownership.

H. Site Plan Review

None of the uses authorized, except a single dwelling on one lot, shall be permitted until a development plan of the site has been approved by the Board of Commissioners after a recommendation thereon has been made by the Planning Board. The development plan shall be submitted in accordance with Article VI, Section 12 of this ordinance.

Section 34. R-40W, Residential-40 Watershed Protection District

The purpose of this district is to limit the amount and type of development to low and moderate intensity residential and non-residential uses in the watershed management area of water supply watersheds classified by the N. C. Environmental Management Commission. The intent of the regulations is to preserve water quality in water supply watersheds by reducing the threat of run-off pollution to water supplies in order to provide safe drinking water at an acceptable level of water quality for present and future residents.

This section is adopted pursuant to G.S. 143-214.5 and the Water Supply Watershed Protection Rules established by the N. C. Environmental Management Commission.

A. Permitted Uses

Single-family dwellings.

Modular homes.

Churches.

Bona-fide farms, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.

Public utilities.

Utility substations.

Home occupations.

Public recreation facilities.

Fire and rescue stations.

Accessory buildings and uses.

B. Specials Uses

Manufactured homes.

Planned Unit Developments.

Private recreation facilities.

Cemeteries.

Libraries.

Public and private schools, child care centers.

Dog Kennels, requires setbacks of 100 feet from all property lines; minimum lot size of 2 acres; sound-proof pens, i.e., interior doors; six foot high opaque fencing; and, a minimum ten foot landscaping buffer around the side and rear of the compound area.

Accessory buildings and uses to permitted special uses.

Telecommunication Towers

C. Dimensional Requirements

- The minimum lot area for each dwelling unit or principal use shall be 40,000 square feet. In a Planned Unit Development, the maximum overall density shall not exceed one (1) dwelling unit per acre of the gross acreage of the development site.
- Minimum required lot width - 100 feet.

- Minimum required depth of front yard - 30 feet.
- Minimum required width of side yard - 10 feet.
- Minimum required depth of rear yard - 30 feet.

D. Development Standards

1. Watercourse Buffer Areas

- a. A drainage way buffer shall be maintained along each side of a perennial stream and shall be a width of fifty (50) feet; and, a twenty-five (25) foot wide drainage way buffer shall be maintained along each side of an upper watershed drainage way, as defined in Article III, Section 2 of this ordinance, up to a point where less than five (5) acres are drained by such upper watershed drainage way.

In order to determine the amount of land drained by an upper watershed drainage way or a stream, USGS or Wake County topographic maps may be used.

- b. A one hundred (100) foot wide natural vegetated Water Supply Impoundment Buffer, measured perpendicular from the normal pool shoreline, shall be maintained around Water Supply Impoundments on streams which have been classified WS-III and WS-IV by the N. C. Environmental Management Commission or successor authority.

A one hundred (100) foot wide Water Supply Impoundment Buffer, measured perpendicular to the stream bank, shall also be maintained along the banks of streams which have been classified WS-III and WS-IV.

- c. Drainage way Buffers and Water Supply Impoundment Buffers shall remain natural and undisturbed except as may be necessary to accommodate any of the following uses:
 - 1) Boat docks, ramps, piers, or similar structures;
 - 2) Green ways, pedestrian paths, path shelters and benches, and related recreational uses;
 - 3) Reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places;
 - 4) Drainage facilities or utilities;
 - 5) Roads, provided they cross the buffer at a horizontal angle of at least sixty (60) degrees;
 - 6) Forestry and husbandry activities that eliminate diseased, infected or damaged timber or nuisance vegetation;

- 7) Sedimentation and erosion control measures and devices as approved by the Wake County Department of Community Development Services;
- 8) Construction of new lakes or ponds, or expansion of existing lakes or ponds, provided that applicable buffers shall be designated around such lakes or ponds.

These activities shall minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of best management practices (BMP's).

2. Impervious Surface Limitations

The maximum amount of impervious surface area shall not exceed:

- a. Twelve (12) percent where sanitary sewer and water services are not provided; or
- b. Twenty-four (24) percent where sanitary sewer and water services are provided.

3. Setback from Buffers

All buildings and structures shall be set back a minimum of twenty (20) feet from the edge of any drainage way buffer or water supply improvement buffer. Where the setback from a buffer results in a greater setback than from a lot line, the requirements of this paragraph shall control.

4. Supplementary District Regulations

The supplementary district regulations stated in Article VI of this ordinance shall apply to the R-40W Watershed Protection District.

5. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

6. Hazardous Materials

- a. Existing and new industrial development shall maintain an inventory of all hazardous materials used and stored on the premises; and, prepare a spill/failure containment plan and implement safeguards against contamination; and, encourage waste minimization and the appropriate recycling of materials.
- b. New industrial development shall incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are either used, stored or manufactured on the premises.

7. On-site Erosion Control Measures

- a. No development permit shall be issued until approved watershed management protection measures are in place.
- b. No land disturbing activities shall be allowed until all plans are approved and necessary permits have been obtained.
- c. Development shall comply with the regulations of the Town of Wake Forest erosion and sedimentation control ordinance.

E. Restricted Uses

The following uses are prohibited in the R-40W Watershed Protection District:

1. The storage of toxic and hazardous materials unless a spill containment plan is implemented;
2. Landfills and discharging landfills;
3. Sites for land application of sludge/residuals or petroleum contaminated soils;
4. Discharges of sewage, domestic wastewater, industrial wastes, non-process industrial wastes, or other wastes except as permitted by the Division of Environmental Health, N.C. Department of Environment, Health and Natural Resources or successor authority;
5. Any use determined by the Town of Wake Forest to be detrimental to the quality of water in water supply watersheds by posing a threat of run-off, leaching or other types of pollution.

F. Compliance with Other Plans and Regulations

All other officially adopted plans and all other pertinent ordinance features shall be applicable and in addition to the regulations presented herein.

G. Exceptions

All land in the R-40W Watershed Protection District shall be developed in accordance with the requirements of this section except for the following:

1. Existing development, except that expansions to structures other than single family development shall meet the requirements of this section; however, the built-upon area of the existing development is not required to be included in the density or impervious surface area calculations.

2. Redevelopment or reconstruction of existing development is allowed if the rebuilding activity does not have a net increase in built-upon area or provides equal or greater storm water control than the previous development as allowed by this section, except that there are no restrictions on single family residential development.
3. A deeded single-family lot owned by an individual prior to the effective date of this section (July 1, 1993), however this exemption does not apply to multiple lots under single ownership.

H. Site Plan Review

None of the uses authorized, except a single dwelling on one lot, shall be permitted until a development plan of the site has been approved by the Board of Commissioners after a recommendation thereon has been made by the Planning Board. The development plan shall be submitted in accordance with Article IV, Section 12 of this ordinance.

Section 35. ICD, Institutional Campus Development District

This district is intended to allow for the continued and future use, expansion, and new development of academic and religious campuses and of governmental and health facilities, where the campus or facility has a total development size greater than ten (10) acres. The goal is to promote the many varied uses associated with such institutions while maintaining the overall design integrity of the campus setting and minimizing any adverse impacts on the neighboring residential and historic areas. In the attempt to meet this goal numerous requirements are included, such as but not limited to buffers, landscaping, outdoor lighting, parking, signage, building height, setbacks, and the like.

A. Permitted Uses

The following uses include all accompanying facilities and accessory uses associated with their development that do not significantly impact the existing infrastructure (i.e. street capacity, water and sewer capacity, police or fire protection, or other service related town functions or as described in subsection D. below) as approved by the Planning Department:

Academic Institutions.

Art Galleries and Museums

Assembly Facilities, including meeting rooms, chapels, sanctuaries, and auditoriums, but not including sports stadiums or coliseums.

Child care centers.

Classroom Buildings.

Conference Center.

Golf Courses.

Governmental Facilities.

Health Facilities.

Libraries.

Parking Lots.

Parks.

Post Offices.

Religious Institutions.

Residential:

Dormitories

Duplexes

Single-family Residences

Single-family Residences with an Accessory Apartment

Student Services, including:

Bookstore (selling not only books and school, office, and art supplies; but such items as, but not limited to, CD's, videos, video rentals, gifts, greeting cards, flowers, candy, packaged snacks, soft drinks, toys, items with school logos, shirts, jackets, caps, sporting equipment, and small electronic equipment, such as clocks, radios, and stereos), Cafeteria, Coffee Shop, Snack Bar, Bank, Barber Shop, Beauty Shop, Pro Shop, Travel Agent, etc., as long as they are located in such a manner and signage is such as to emphasize that they are for the prime benefit of students and employees and not the general public, although they may be open to the public.

Teller Machines (stand-alone -- walk-up or drive-up).

B. Special Uses

Any building or structure over 35 feet in height, plus the following:

Above-ground Water Tanks.

Bulk Storage of Fuel, Oil, Propane, or other Hazardous or Flammable Materials (in limited quantities for classroom or facility use and meeting all state and federal regulations).

Gymnasiums.

Outdoor Storage.

Maintenance Yards, Physical Plant, Equipment Storage, Garages, and other Facility Functionaries.

Parking Decks.

Planned Campus Development (with Master Plan).

Recreational Facilities not otherwise listed (such as swimming pools, playgrounds, bowling alleys, miniature golf, tennis courts, recreation center, etc.).

Residential: Multi-Family Housing

Stadiums and Coliseums.

Telecommunication Towers.

Temporary Housing (when owned or operated by the primary institutional use for the convenience of visitors):

Guest Houses
Boarding Houses
Bed and Breakfasts
Conference Centers

Motels and Hotels with less than twenty (20) guest rooms.

Any other use associated with the permitted principal use which is determined by the Town to significantly impact existing infrastructure or town services (i.e., street capacity, water and sewer capacity, police or fire protection, other service related town functions, or as described in subsection (d) below).

C. Dimensional Requirements

General Requirements

- Minimum required lot area: 10,000 square feet
- Minimum Institutional Development Size: 10 acres
- Minimum required mean lot width: 60 feet

- Minimum Institutional Development Width: 200 feet
- Maximum density allowed for multi-family dwellings: 10 units per acre
- For calculating units per acre, lines shall be drawn and shown on a site plan indicating the acreage used for the housing development, including residential buildings, accessory buildings, yards, drives, parking, playgrounds, picnic and park areas designated for the residents, and other adjacent open space for the use only of the residents and their guests.

Minimum Setbacks Along Exterior Property Boundaries and Public Streets inside the Campus

	Buildings Up To 35 Ft. In Height	Buildings Over 35 Ft. In Height
Minimum required depth of front yard:	30 feet	1:1 ratio (One (1) foot vertical building height to one (1) foot horizontal setback)

The front yard shall be developed for landscaping, walkways, public art, fountains, and signs. Driveways may cross the required yard at approximately right angles and may not run within the required yard approximately parallel to the property line. Off-street parking is not permitted in the required yard.

	Buildings Up To 35 Ft. In Height	Buildings Over 35 Ft. In Height
Minimum required side yard:		
Interior Side:	10 feet	3:2 ratio (Three (3) feet vertical building height to two (2) feet horizontal setback)
Street Side of Corner Lot:	25 feet	25 feet or 3:2 ratio (whichever is larger)
Minimum required depth of rear yard:	20 feet	3:2 ratio

Minimum Setbacks Between Buildings Within the Property

Minimum Distance Between Buildings:	Ratio Method: The required separation between any two buildings shall be determined by the building height (excluding steeples and bell towers) of the tallest building. The use of a ratio allows a continuously sliding scale based on building height. For instance, a building height to setback ratio of 1:2 means that for every one (1) foot of building height of the tallest building there are two (2) feet of horizontal setback.
Front Yard:	Face to Face: The minimum distance between two facing buildings at their closest point (at ground level or above) shall be determined according to the ratio of one (1) foot vertical building height to two (2) feet horizontal setback (1:2).
Front Yard:	Face to Side or Face to Rear: A new building or addition must meet minimum setback requirements from other existing buildings, using either a 1:1.5 height to setback ratio, based on the height of the tallest building, or the minimum front yard plus side or rear yard setback, as appropriate, whichever is greater.

Side and Rear Yards:	Side by Side, Side to Rear, & Rear to Rear: Side and rear yards between buildings; shall total a minimum of the standard side and/or rear yard requirements given above for along exterior boundaries for each building or by use of a 1:0.5 ratio, based on the height of the tallest building, whichever is greater.
Corner to Corner:	There shall be no minimum distance between buildings where the closest points are corner to corner.
Residences:	The minimum distance between buildings, where at least one of them contains residence quarters along any wall containing windows facing the other building, shall be equal to twice the interior side lot setback as given above (i.e. forty (40) feet instead of twenty (20) feet) or according to the 1:0.5 ratio, whichever is greater, along that side of the building.

D. Open Space Requirement

A minimum of twenty-five percent (25%) of the gross acreage shall be reserved for open space and depicted on the Master Plan. This acreage need not be in a single piece, but may be in sections of one half (½) acre or more scattered throughout the campus including such items as Tree Save Areas, picnic areas, golf courses, walking trails, streams and adjacent banks, lakes, undisturbed natural areas (fields or woods), agricultural lands, wetlands, parks, etc. Large lawns substantially in excess of the required minimum may be counted toward this requirement. Paved or graveled parking lots shall not count toward this requirement. Areas designated as open space on the Master Plan may be changed through revising and reapproval of the Master Plan.

This area shall have free and easy access via streets, walk-ways, dedicated easements, rights-of-way, etc. and may be either deeded to the Town for public use or held by the institution for the use of its own residents, students, patients, employees, etc.

E. Campus Design Requirements

1. General Layout.

Internal buildings shall be laid out with well defined open areas to give prominence to important structures and to allow for gatherings and logical pedestrian circulation.

2. Parking Areas

All parking required by the uses in this district shall be provided on-site and in sufficient number not to require on-street parking off-campus, adjacent to campus, or encroachment on adjacent property, nor shall parking areas encroach into any required yards (setbacks). Parking areas shall be interconnected within the property wherever practicable so as to allow the movement of vehicles without the use of public streets. On-street parking along

any public or private street running through the campus may be counted toward the required number of parking spaces. Any streets constructed on campus must meet town standards, including the provision of on-street parking. Parking required by uses on sites remote from the main campus shall be provided at the remote site (or within 400 feet as required in Article VI, Section 1 of this ordinance). Remote parking may be leased or provided for through some other means, as long as there is the guaranteed right of the institution to use the space for parking. If such parking becomes unavailable at some future time. Other provisions must be made in a timely manner.

Parking lots, including drives and access ways, shall be paved or covered with another all-weather material approved by the town. Overflow parking areas may be grassed. These overflow parking areas may be used only where the required parking is sizable and where the expected need is only occasional. The location and proportion of required spaces to be considered “overflow” must be approved by the Planning Director, included as part of the Master Plan, or included as part of the approved detailed development plan at the time of project development (see below). These grassed areas may count toward the open space requirement, but must be maintained in grass and not be graveled nor allowed to deteriorate into bare areas of dust or mud.

Parking areas shall be screened from adjacent residential, vacant, or commercial properties, so as to shield these properties from headlights and minimize noise of vehicles, by the use of landscaping, natural vegetation, landscaped berm, topography, fence or wall, or a building (see section “H” below). Any lighting of parking areas shall also be shielded, so as to cast no light directly upon adjacent properties and streets, and shall have a ninety degree cutoff in order to minimize light pollution.

Trash containers, outdoor storage areas, loading areas, and facility vehicles and similar equipment shall be located within the parking areas, equipment storage or maintenance yards, or in garages.

3. Architectural Standards

Important structures shall be built so that they terminate a vista, where possible, and shall be of sufficient design to create visual anchors for the campus. All principle structures on a campus shall maintain a consistent or compatible architectural style.

All rooftop equipment shall be enclosed in the building material that matches the structure or is visually compatible with the structure.

F. Supplementary District Regulations

All supplementary district regulations stated in Article VI of this ordinance shall apply to the ICD, Institutional Campus Development District. All permitted uses and special uses in this district are subject to installation and approval by the Town Engineer of curbs, gutters, storm

drainage structures, sidewalks, entrances and exits, street paving, water and sewer facilities, and garbage collection procedures.

A Master Plan (Concept Plan) is required to be submitted and approved prior to obtaining a zoning or building permit for any new buildings or structures. Such Master Plan may be developed in phases over a period of time and may be updated or revised and reapproved, as needed. Building permits are always required, if applicable.

A detailed development plan is required to obtain any necessary permit as individual projects are initiated. If the project substantially conforms to the approved Master Plan only administrative approval is needed, unless otherwise specified by the Board of Commissioners during the Master Plan approval process.

If the project represents a substantial change from the approved Master Plan the development plan must be submitted for Planning and Zoning Board and Board of Commissioners approval. A “substantial change” means any change that may result in a change in traffic flow, types and intensity of activities, need for parking, potential noise or light pollution, impact on neighboring properties and residents, impact on town infrastructure and demand for services, and the like. Such changes include, but are not limited to:

- elimination or reduction of any Tree Save Area,
- change in designated open space,
- addition or relocation of a building,
- addition or relocation of a parking lot for over ten (10) vehicles,
- addition or relocation of parking or outdoor storage for service vehicles or equipment,
- fences or walls higher than four (4) feet and thirty (30) feet or less from the property line,
- relocation of a public street or private street connecting with the public street system, and
- addition or relocation of any other major development, e.g. ballfields, tennis courts, golf courses, amphitheaters, or any other facility to be used by numerous people at one time.

Changes in small areas, such as small picnic areas, playgrounds, walking trails, gardens, patios, terraces, courtyards, walkways, parking lots for ten (10) or fewer vehicles, fences or walls more than thirty (30) feet from the property line, or fences or walls less than thirty (30) feet from the property line and four (4) feet or less in height, do not constitute a “substantial change”.

G. Off-Street Parking

Off-street parking shall be provided as required in Article VII of this ordinance.

H. Landscaping and Buffers

All newly developed campus property shall meet the Landscape Standards of Section 7 of this article or as specified on the Master Plan, whichever provides the more intensive and larger buffer. These institutional campuses are considered institutional uses for the purpose of determining the minimum width of the required buffer along offices, classrooms, libraries,

art galleries, churches and chapels, parking, golf courses, and housing areas. Other areas may require greater buffers, based on the particular use, such as gymnasiums, stadiums, and commercial uses, including but not limited to book stores, cafeterias, and barber shops.

Parking lots or parking decks visible from public streets or nearby private property must be landscaped with Type A screening or designated Tree Save Areas.

I. Site Plan Review

1. Development Plan Required

None of the uses listed as permitted or special, except a single family residence, shall be permitted until a development plan showing the proposed development of the site has been approved. The development plan shall be submitted in accordance with Article IV, Section 12 of this ordinance.

The subdivision review under the Wake Forest Subdivision Regulations, if applicable, shall be carried out as an integral part of the review of such development. In cases of conflict the more restrictive and/or more detailed regulations shall apply.

Site plan review and approval by the Board of Commissioners shall be required in the following cases, otherwise site plans may be approved by staff.

- a. Any development involving the closing, relocation, or construction of new public streets;
- b. Any development that, in the opinion of the Planning Director, substantially affects existing traffic circulation, drainage, relationship of buildings to each other, landscaping, buffering, or outdoor lighting; or significantly impacts existing infrastructure or town services (i.e. street capacity, water and sewer capacity, police or fire protection, or other service related town functions; or,
- c. Any substantial change from the an approved Master Plan (see section “F” above).

2. Development Plan Standards

The following site plan standards shall apply:

- a. The Board of Commissioners may impose conditions upon the installation and operation of the proposed use(s) to insure that the accumulated potential impact of the proposed use, including lighting, glare, noise, dust, fumes, odor, vibrations, etc. will not interfere with the use of the other properties in the vicinity, or the scale of hours of operation of the proposed use(s) will not substantially alter the residential character of the immediate vicinity, or the potential pedestrian or vehicular traffic that could be

generated due to the use(s) will adequately and safely accommodated on adjoining streets and pedestrian paths.

The Board of Commissioners may refuse to approve a Master Plan or development plan on the grounds that it fails adequately to protect residentially zoned property or historic areas in the near vicinity or that the proposal fails to provide safe conditions for pedestrians and motorists.

Section 36. Richland Creek Watershed Protection Overlay District

The Richland Creek Watershed Protection regulations are established as an overlay district to preserve water quality in the Richland Creek water supply watershed in order to provide safe drinking water. The intent of this district is to establish regulations which ensure the availability of public water supplies at an acceptable level of water quality for present and future residents.

A. Authority

This section is adopted pursuant to G.S.143-214.5, as amended, and the Water Supply Watershed Protection Rules established by the NC Environmental Management Commission.

B. Applicability

The Richland Creek Watershed Protection District is an overlay district with regulations which shall be super-imposed on all zoning districts within the Richland Creek water supply watershed as defined by the N. C. Environmental Management Commission. The Richland Creek Watershed Protection District shall consist of two (2) sub-areas: (1) the watershed management area, and (2) the critical water quality area.

1. Development Procedures

a. Zoning Changes

- 1) Zoning changes within the Richland Creek Watershed Protection District shall require the petitioner to submit an application under the conditional use zoning procedures of the Town of Wake Forest.
- 2) All conditional use zoning petitions within the Richland Creek Watershed Protection District shall include detailed information as to how the development of the property will conform to the requirements of this section. This information shall include but not limited to: topographic analysis, soil analysis, vegetation analysis, impervious surface areas, and watershed protection measures.

2. Exceptions

All land in the Richland Creek Watershed Protection District shall be developed in accordance with the requirements of this section except for the following:

- a. Existing development, except that expansions to structures other than single family development shall meet the requirements of this section; however, the built-upon area of the existing development is not required to be included in the density or impervious surface area calculations.
- b. Redevelopment or reconstruction of existing development is allowed if the rebuilding activity does not have a net increase in built-upon area or provides equal or greater storm water control than the previous development as allowed by this section, except that there are no restrictions on single family residential development.
- c. A deeded single-family lot owned by an individual prior to the effective date of this section (April 1, 2005), provided it is developed for single-family use.
- d. A nonconforming lot of record, not contiguous to any other lot owned by the same party, provided it is developed for single-family use.
- e. Any lot or parcel created as part of a family subdivision after the effective date of this section (April 1, 2005), provided it is developed for one single- family detached residence and if it is exempt from the subdivision regulations.

3. Zoning Jurisdiction Expansion

All land brought into Wake Forest jurisdiction, located within the Richland Creek water supply watershed at the time of an ETJ extension by the County of Wake or annexation, shall be zoned by the Town of Wake Forest to R-20, Residential-20 District and this overlay district. Any subsequent change to another zoning district shall require conditional use zoning and the inclusion of this overlay district.

C. Development Standards

Within the Richland Creek Watershed Protection District, in addition to the normal underlying zoning district requirements, the following standards shall apply. These conditions shall become part of any conditional use rezoning petition.

1. Impervious surface limitations/Density limits.

a. Critical water quality area.

Low Density Option:

- 1) Residential. New development shall not exceed a density of two (2) dwelling units of single-family detached development per acre on a project-by project

basis; or a minimum lot size of 20,000 square feet for single-family detached development excluding roadway right-of-way on a project-by-project basis; or, for all other new residential development, a maximum impervious surface area of twenty-four percent (24%) on a project-by-project basis. For the purpose of calculating the impervious surface area and density, total project area shall include total acreage in the tract on which the project is to be developed.

- 2) Non-residential. New development shall not exceed twenty-four percent (24%) impervious surface area on a project-by-project basis. For the purpose of calculating the impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.

High Density Option:

If new development density exceeds the low density requirements, new residential and non-residential development shall not exceed fifty percent (50%) impervious surface area on a project-by-project basis. For the purpose of calculating the impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.

b. Watershed management area.

Low Density Option:

- 1) Residential. New development shall not exceed a density of two (2) dwelling units of single-family detached development per acre on a project-by project basis; or a minimum lot size of 20,000 square feet for single-family detached development excluding roadway right-of-way on a project-by-project basis; or, for all other new residential development, a maximum impervious surface area of twenty-four percent (24%) on a project-by-project basis. For the purpose of calculating the impervious surface area and density, total project area shall include total acreage in the tract on which the project is to be developed.
- 2) Non-residential. New development shall not exceed twenty-four percent (24%) impervious surface area on a project-by-project basis. For the purposes of calculating impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.

High Density Option:

If new development density exceeds the low density requirements, new residential and non-residential development shall not exceed seventy percent (70%) impervious surface area on a project-by-project basis. For the purpose of calculating the impervious surface area, total project area shall include total acreage in the tract on which the project is to be developed.

2. Watercourse buffer areas.

- a. A Drainageway Buffer shall be maintained along each side of a perennial stream and shall be a width of fifty (50) feet; and, a twenty-five (25) foot wide Drainageway Buffer shall be maintained along each side of an upper watershed drainageway, as defined in Article III, Section 2 of this Ordinance, up to a point where less than five (5) acres are drained by such upper watershed drainageway. In order to determine the amount of land drained by an upper watershed drainage way or a stream, USGS or Wake County topographic maps may be used.
- b. A one hundred (100) foot wide Water Supply Impoundment Buffer, measured perpendicular to the stream bank, shall also be maintained along the banks of streams which have been classified WS-IV.
- c. For all new development activities that exceed the Low Density Option requirements, a minimum one hundred (100) foot wide Drainageway Buffer shall be required along all perennial waters indicated on the most recent versions of USGS or Wake County topographic maps or as determined by local studies.
- d. Drainageway Buffers and Water Supply Impoundment Buffers shall remain natural and undisturbed except as may be necessary to accommodate any of the following uses:
 - 1) Boat docks, ramps, piers, or similar structures;
 - 2) Greenways, pedestrian paths, path shelters and benches, and related recreational uses;
 - 3) Reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places;
 - 4) Drainage facilities or utilities;
 - 5) Roads, provided they cross the buffer at a horizontal angle of at least sixty (60) degrees;
 - 6) Forestry and husbandry activities that eliminate diseased, infected or damaged timber or nuisance vegetation;
 - 7) Sedimentation and erosion control measures and devices as approved by the Wake County Department of Community Development Services;
 - 8) Construction of new lakes or ponds, or expansion of existing lakes or ponds, provided that applicable buffers shall be designated around such lakes or ponds.

9. Flag poles, signs and security lights, and other such structures which result in only diminimus increases in impervious area.

These activities shall minimize built-upon surface area, direct run-off away from the surface waters and maximize the utilization of best management practices (BMP's).

- e. The requirements of the Neuse River Riparian Buffer rules shall apply concurrently with the required Drainageway Buffers described above.

3. Setback from Buffers.

All buildings and structures shall be set back a minimum of twenty (20) feet from the edge of any drainage way buffer or water supply improvement buffer. Where the setback from a buffer results in a greater setback than from a lot line, the requirements of this paragraph shall control.

4. On-Site Erosion Control and Drainage Measures.

- a. No development permit shall be issued until approved watershed management protection measures are in place.
- b. No land disturbing activities shall be allowed until all plans are approved and necessary permits have been obtained.
- c. Development shall comply with the regulations of the Town of Wake Forest erosion and sedimentation control ordinance.
- d. Stormwater runoff shall be transported by vegetated conveyances to the maximum extent practicable.
- e. For new developments utilizing the high density option, engineered storm- water controls shall be required to control the runoff from the first inch of rainfall. The operation and maintenance of the required engineered storm- water controls shall be the ultimate responsibility of the Town of Wake Forest.

5. Hazardous Materials.

- a. Existing and new industrial development shall maintain an inventory of all hazardous materials used and stored on the premises; and, prepare a spill/failure containment plan and implement safeguards against contamination; and, encourage waste minimization and the appropriate recycling of materials.

- b. New industrial development shall incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are either used, stored or manufactured on the premises.

D. Restricted Uses.

The following uses are prohibited in the Richland Creek Watershed Protection District:

1. Processing of mineral products;
2. Lumber mills and saw mills;
3. Processing of animal and vegetable products;
4. The storage of toxic and hazardous materials unless a spill containment plan is implemented;
5. Landfills and discharging landfills;
6. Sites for land application of sludge/residuals or petroleum contaminated soils;
7. Discharges of sewage, domestic wastewater, industrial wastes, non-process industrial wastes, or other wastes except as permitted by the Division of Environmental Health, N. C. Department of Environment, Health and Natural Resources or successor authority;
8. Any use determined by the Town of Wake Forest to be detrimental to the quality of water in water supply watersheds by posing a threat of run-off, leaching or other types of pollution.

E. Site Plan Review

None of the uses authorized by the underlying zoning district, except a single dwelling on one lot, shall be permitted until a development plan of the site has been approved by the Board of Commissioners after a recommendation thereon has been made by the Planning Board. The development plan shall be submitted in accordance with Article IV, Section 12 of this ordinance.

ARTICLE VI. SUPPLEMENTARY DISTRICT REGULATIONS

Section 1. Curb Cuts

Any business or industry which requires lowered or cutaway curbs, for purposes of ingress or egress, shall be subject to the following provisions:

No more than two (2) combined entrances and exits shall be allowed on any parcel of property, the frontage of which is less than two hundred (200) feet on any one street, and located at a point along the frontage where it is possible for drivers of vehicles entering the highway to see in both directions along the traveled way far enough to allow entering the highway without creating a hazardous situation. Additional entrances or exits for parcels of property having a frontage in excess of two hundred (200) feet shall be permitted after showing of actual requirements of convenience and necessity and upon approval of the Planning Board. Where frontage is fifty (50) feet or less, only (1) combined entrance exit shall be permitted.

At street intersections, no curb cut shall be located within twenty-five (25) feet of the intersection of two curb lines or such lines extended, or within fifteen (15) feet of the intersection of two property lines, right-of-way lines, or such lines extended, whichever is least restrictive.

The distance between any two curb cuts on the same side of the street shall be not less than fifteen (15) feet. Said distance shall be measured between the points of tangency of the curb return radii and the established curb line of the abutting street.

All driveways shall be constructed so as to be at least five (5) feet from any property line, except that a curb return may become tangent to a curb line at a point where said property line extended intersects said curb line.

The minimum width of any one-way driveway shall be twelve (12) feet and the maximum width shall be thirty (30) feet. The minimum width of any two-way driveway shall be twelve (12) feet and the maximum be thirty-six (36) feet measured at the right-of-way line.

Any person or corporation desiring to construct a driveway or other connection within the right-of-way of a State System street or highway shall, before beginning any construction, secure a permit from the Department of Transportation, authorizing construction on the State right-of-way. Driveway connections to residences are normally excluded from this requirement, but may be included at the option of the Department of Transportation.

Failure to secure a permit prior to construction may result in the removal of the driveways and/or denial of access at that location.

Within municipalities having local ordinances affecting driveways, the more restrictive ordinance, municipal or state, shall apply to driveways connecting into state system streets and roads.

Section 2. Visibility at Intersection

On a corner lot in all zoning districts nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impeded vision between a height of two and a half (2-1/2) feet and ten (10) feet in a triangular area formed by a diagonal line between two points on the rights-of-way lines, twenty (20) feet from where they intersect.

Section 3. Building Heights

No building shall exceed thirty-five (35) feet in height except as provided in the Renaissance Area, ICD District and for property located in the Highway Corridor as defined on the Conceptual Objectives Map of the Land Use Management Plan. Church spires, flagpoles, antennas, chimneys, and similar accessories to structures are exempt from this height limitation.

A. Highway Corridor (US-1)

1. The maximum building height shall be 90 feet.
2. Building setbacks and building separation for buildings exceeding 35 feet in the Highway Corridor shall be modified from those in the underlying zoning district as required in the following table:

Building Setbacks for Building Height Exceeding 35 Feet		
	Modified Setbacks (modified from the underlying zoning district to the greater of the following minimum or ratio)	
	Minimum	Ratio of Setback:Building Height
Minimum required depth of front yard:	30 feet	---
Minimum required side yard:	25 feet	(1:2) One foot for every two feet of building height.
Minimum rear yard:	30 feet	(1:2) One foot for every two feet of building height, whichever is greater.
Side adjacent to public ROW:	25 feet	---
Any side adjacent to US-1 ROW:	50 feet	---
Any side adjacent to residentially zoned property	60	(1:1) One foot for every one foot of building height.
Building Separation for Building Height Exceeding 35 Feet		
	Building Separation Between Two Buildings at Their Closest Point (whichever is greater, based on the tallest building)	
	Minimum	Ratio of Separation:Building Height
Face to Face:	30	(1:2) one foot for every two feet of building height.
Face to Side or Face to Rear:	30	(1:2) one foot for every two feet of building height.
Side to Side or Side to Rear	30	---
Rear to Rear:	30	(1:2) one foot for every two feet of building height.

B. ICD District. See Article V. Section 35. ICD, Institutional Campus Development District

Section 4. Signs

It is the purpose of this section to authorize the use of signs whose size, type, and location are compatible with their surroundings; to minimize the detrimental effects of signs; to ensure signs do not become a public hazard or nuisance or traffic hazard; to preserve the characteristics of each district and to protect and enhance the overall appearance of the community. All signs within the Wake Forest planning area shall be covered by these regulations and be erected, constructed, or maintained in accordance with the provisions of this section.

A. General Requirements

- 1. Signs Subject to Control:** Unless specifically exempted, no sign visible from a public right-of-way shall be erected, displayed or substantially altered except in accordance with the provisions of this section and until a sign permit has been issued.
- 2. Permits:** A permit shall be applied for and received from the Town before erecting, placing, rebuilding, reconstructing or moving any sign except those signs exempt from regulations. Every application for preliminary plan approval shall be accompanied by a plan or plans drawn to scale and including:
 - a. The dimensions of the sign.
 - b. The dimensions of the sign supporting members.
 - c. The maximum and minimum height of the sign.
 - d. The proposed location of the sign in relation to the building and/or physical surroundings.
 - e. The Underwriters' Laboratory label number shall be required prior to erecting any electrical sign. The following changes shall not require a sign permit:
 - 1) Change of copy on signs specifically designed for changeable copy.
 - 2) The electrical, repainting or cleaning maintenance of a sign.
 - 3) The repair of a sign.
- 3. Location:** No non-governmental sign shall be erected or constructed so as to interfere with visual clearance along any street or at any intersection of two (2) or more streets or highways. No non-governmental sign shall be erected upon or encroach upon public rights-of-way, except in the Central Business District, where projecting signs may extend no more than five (5) feet over the right-of-way or sidewalk. In all other districts except residential, HCBD and CBD, no ground signs may be erected unless the building or structure in which activity is conducted is setback at least twenty (20) feet from edge of pavement. No non-governmental sign shall be attached to or painted on power poles, light poles, telephone poles, traffic signs or other objects not intended to support a sign.
- 4. Illumination:** No flashing or intermittent illumination shall be permitted on any advertising sign or structure. Illumination devices such as, but not limited to, flood or spot lights shall be so placed and so shielded, as to prevent the rays of illuminating therefrom being cast upon neighboring buildings and/or vehicles approaching from either direction.
- 5. Inspections:** All signs for which a permit is required shall be subject to inspection by the Town. A representative of the Town shall be authorized to enter at all reasonable times upon any property or premises to ascertain whether the provisions of the code are being obeyed. The Town may order the removal of any sign that is not in accordance with the provisions of the code.
- 6. Maintenance:** Signs shall be kept in proper repair. The owners of any sign judged substandard by the Town of Wake Forest Zoning and Code Enforcement Officer shall be

notified in writing and the said owner shall have thirty (30) days in which to make repairs. If the said order is not complied with within thirty (30) days, the Zoning Enforcement Officer shall remove such sign at the expense of the owner or lessee thereof plus a \$25 administrative fee.

7. **Material Specifications:** All materials used in signs must meet requirements set forth in the Uniform Building Code governing signs.
8. **Electrical:** All wiring shall be contained in conduit or enclosed in poles or raceways. In no case shall the wiring be exposed to the public.
9. **Removal:** Within thirty (30) days after the termination or relocation of a business at any location within the zoning jurisdiction of the Town of Wake Forest, the business or property owner shall remove any and all signs related to the terminated or relocated business. Conforming signs designed for changeable copy may be covered instead of removed. If the business or property owner fails to remove the sign(s) within the above specified time period, the Zoning Enforcement Officer shall take the necessary actions, as stated in Article IV. Section 9 and 10 of this ordinance, to remedy the violation.

10. Temporary Signs

Temporary or portable signs may be permitted in any commercial or industrial zoning district for a period of not over thirty (30) days upon the written approval of the Zoning Enforcement Officer or his/her agent. Such approval shall be limited to non-profit organizations who are exempt by the Internal Revenue Service and to any person(s) or corporation who has opened a new business.

B. Prohibited Signs in All Districts

1. Any sign located in a manner or place which might constitute a traffic hazard.
2. Any sign that uses the word "**STOP**", "**SLOW**", "**CAUTION**", "**DANGER**", or any other word which is likely to be confused with traffic directional and regulatory signs.
3. Any sign which by color, location, or nature may be confused with a traffic signal.
4. Any sign which contains, employs, or utilizes lights or lighting which rotates, flashes, moves, or alternates except otherwise approved time and temperature signs. However time and temperature signs that rotate are not permitted.
5. Any sign that obstructs any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building, as required by law.
6. Any sign imitating an official sign, or violating the Law of the State relating to outdoor advertising.

7. Off-premises signs, such as billboards.
8. All portable signs except those associated with gasoline stations, specifically those denoting gasoline prices, gas types and other petroleum related signage. Signs should be located at the pump island.
9. Any sign that utilizes neon-tube lighting as the visible light source.
10. Any sign installed or placed on public property or within a public right-of-way. Such sign shall be forfeited to the public and is subject to confiscation and disposal. In addition to other remedies hereunder, the Zoning Administrator shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.
11. Any sign that covers or crosses an architectural feature.

C. Signs Allowed in All Districts Exempted from Permit Issuance

1. Signs not exceeding two (2) square feet and not illuminated, bearing property numbers, post office box numbers, names of occupants, or other identification of premises not having commercial connotations.
2. Signs directing and guiding traffic on private property, but bearing no advertisement matter. Generic terminology will be permitted on directional signs.
3. Signs associated with municipal, county, state or federal bodies. Temporary political signs advertising candidates or issues which do not exceed four (4) square feet in area per display surface, are not erected in street rights-of-way, are not erected prior to the established filing date for an election and are removed no later than fifteen (15) days after the election.
4. Flags and insignia of government except where displayed in connection with commercial promotion.
5. Real estate signs advertising the sale, rental or lease of the premise on which the said sign is located, provided such signs do not exceed one (1) sign per street frontage; and do not exceed four (4) square feet in area per display surface for a residential premise; or sixteen (16) square feet in area per display surface for a non-residential premise or residential premises exceeding two (2) acres, and are removed immediately after sale or lease of the premise.
6. Public event announcements erected by public or non-profit organizations announcing special events of interest to the general public, provided such signs do not exceed four (4)

square feet in area per display surface and are removed within fourteen (14) days of the event.

7. Yard or garage sale signs provided such signs do not exceed one (1) sign per site of such event, four (4) square feet in area per display surface and are removed within seven (7) days of erection.
8. Unit identification numbers shall be located on the front wall within eighteen (18) inches of the entrance, or if not feasible architecturally, prominently displayed on the building. Unit numbers for single-family dwellings only may, in lieu of being located on the front wall, be located on the mail boxes or similar-sized surface attached thereto. Group housing developments which are comprised of courts or units not fronting a public street must located identification signs containing the name of the court, street or way and the unit numbers on each private entrance.
9. Construction signs are not included in this category. A permit is required for all construction signs.
10. Generic, non-advertising, directional, realty signs not exceeding two (2) square feet in size on private property with the owner's permission be permitted.

D. Shopping Centers, Malls, Business Parks and Industrial Parks

A uniform sign plan must be submitted with the development plans for review and approval. The uniform sign plan must include the location, size, design, materials, and colors of all proposed signs.

Signs in this category are subject to the following requirements:

1. Wall Signs: 12" maximum protrusion. Maximum surface areas is 1.5 square feet per lineal feet of each building wall, which can be divided into a maximum of four (4) separate signs.
2. Ground Signs: Each development is permitted either:
 - a. One (1) ground sign per street frontage for the entire development, including outparcels,
 - or*
 - b. Multiple low-profile ground signs for the entire development, including outparcels (One (1) per street frontage for the development and one (1) per outparcel).

Ground signs in this category must meet the following criteria:

Street Frontage	Sign Type	Size	Height
Less than 200 feet	Low Profile	32 square feet	3.5 feet
200 feet or greater	High Profile	70 square feet	20 feet

E. Residential Development - PUDS & Multi-family

Each subdivision, planned unit development or multi-family development is permitted a maximum of two (2) permanent ground signs, to be located at each major entrance to the residential development. If the sign is supported by a single pole that pole shall be a maximum height of 8 feet and the sign shall have a maximum surface area of 12 square feet.

Ground signs, other than those supported by a single pole, shall have a maximum surface area of twelve (12) square feet and a maximum height of 6 feet. (Refer to Diagrams 1-4.)

Where a subdivision, planned unit development or multi-family development contains defined pods, phases or subdivisions, one (1) ground sign is permitted for each of these indicating that subdivision's (or development's) name only. If the sign is supported by a single pole, the pole shall be a maximum height of eight (8) feet and the sign shall have a maximum surface area of 12 square feet.

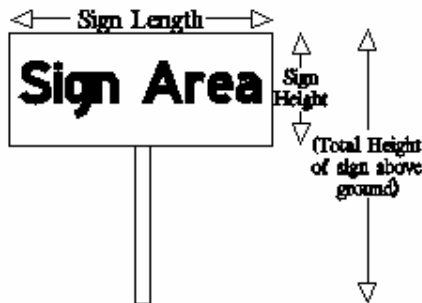
Wall Signs:
 (For placement of signs on side of building; attached or painted)



Computation:

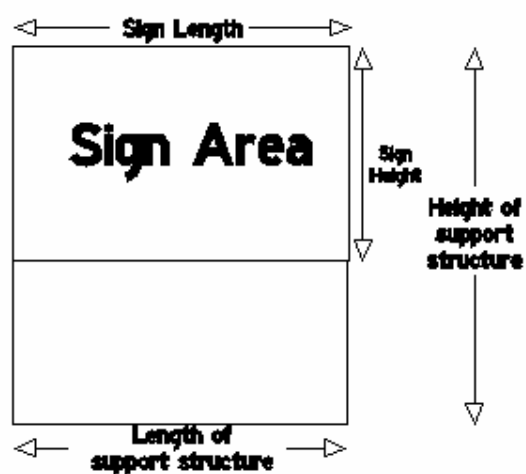
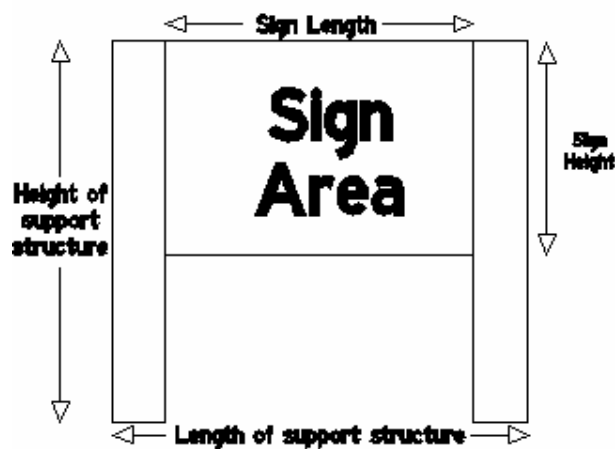
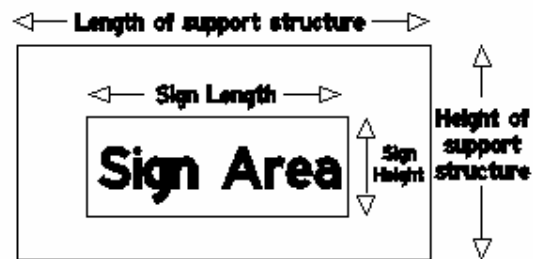
Linear feet of building wall facing public road/private access x 15 = Total surface area of wall sign(s) permitted.

If individual letters are attached onto the wall, sign surface is measured by finding the area of the min. imaginary rectangle or square of vertical and horizontal lines which encloses all of the letters.



Computation:

Sign Length x Sign Height = Total surface area of sign.



Diagrams 1-4

Ground signs, other than those supported by a single pole, shall have a maximum surface area of 12 square feet; the supporting structures shall be a maximum height of 6 feet and a total length of 5 feet.

Signs are permitted on decorative or retaining walls at entrances to residential developments without limitation to size of the wall.

F. US-1 Highway Corridor

Criteria and Standards for free-standing ground signs in all Shopping/Commercial Centers, Business/Office Parks, Industrial Parks, Residential Subdivisions, and Individual lots not associated with any such development.

US-1 Corridor Free-Standing Monument Signs



Signs located within the US-1 Highway shall meet the following criteria:

Sign District	Maximum Sign Area	Maximum Number of signs permitted	Maximum Dimensions
All Residential Zones: RD, R-80W, R-40W, R-20, R-15, R-10, R-8, R-5, MF, and O-I (where applicable); including single family and multi-family subdivisions/developments.	72 square feet	One (1) per road frontage	12' in height 6' in width
All Commercial, Office, and Industrial Zones (HB, NB, O-I, and I); including shopping/ commercial centers, business/ office parks, industrial parks, and individual lots not associated with any such development; with less than 300,000 square feet of building area or less than 400 feet of US-1 road frontage.	72 square feet	One (1) per road frontage	12' in height 6' in width
All Commercial, Office, and Industrial Zones (HB, NB, O-I, and I); including shopping/commercial centers, business/office parks, industrial parks, and individual lots not associated with any such development; with more than 300,000 square feet of building area and more than 400 feet of US-1 road frontage.	105 square feet	One (1) per road frontage	15' in height 7' in width

The following regulations shall be met in addition to the guidelines in the chart above:

1. All ground signs shall be placed immediately adjacent to the right-of-way boundary (or service road boundary), as long as they do not encroach on sight lines.
2. Ground signs shall not be permitted adjacent to US-1 on lots with less than 150 feet of continuous US-1 road frontage.
3. All ground signs shall be double-sided anodized metal box type signs, internally lit, in the shape of a vertical rectangle as illustrated in the US-1 Corridor Plan.
4. All ground signs shall be free-standing monuments and have a 2:1 height-to-width ratio not to exceed the criteria outlined in the table above.

G. Non-Confirming Signs and Discontinuance

1. **Definition:** A non-conforming sign is one that was established prior to effective date of this ordinance or by subsequent amendment thereto, but does not conform to the sign regulations found herein.
2. **Regulations:**
 - a. No enlargement, extension or structural alterations of any non-conforming sign or part thereof is permitted unless in conformance with the regulations found herein.

Removal of a non-conforming sign, except for normal maintenance, will require that sign to conform if it is replaced.

- b. If the non-conforming sign is damaged fifty (50) percent or more of its assessed value, such signs may be reconstructed only in compliance with the regulations found herein.
- c. Nothing in this ordinance shall prevent the normal maintenance of an existing non-conforming sign.
- d. Discontinuance: All non-conforming signs created as a result of the passage of this ordinance shall be allowed to remain in place in accordance with Part 2A, B and C of this Section. Signs erected after the passage of this Section shall conform to the standards set forth herein.

H. Definitions

Sign: Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

- 1. **Awning Sign:** Any sign painted, stitched, sewn or stained onto the exterior of an awning.
- 2. **Construction Project Sign:** A sign identifying the architects, engineers, contractors and other individuals or firms involved with the construction of a building. The name of the building, the purpose of the building, and the expected completion date may be specified.
- 3. **Electronic Message Board:** An electronically generated changeable copy message within a sign frame which does not incorporate any mechanical movement of the sign itself.
- 4. **Ground Sign:** A sign that extends upward out of the ground.
- 5. **Marquee Sign:** Any sign that appears on an extended roof.
- 6. **Menu Board Sign:** Menu boards shall be allowed only as an accessory use to a restaurant having a drive-through window, provided that such signs shall not exceed 32 square feet in area and five feet in height.
- 7. **Portable Sign:** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including not limited to, signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.



8. **Projecting Sign:** Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure.
9. **Roof Sign:** A building-mounted sign erected upon and completely over the roof of a building. This type of sign is only permitted when an existing higher portion of the building exists behind the proposed sign location.
10. **Wall Sign:** Any sign which is attached to or painted on a wall of a building or structure and which displays only one (1) sign surface.
11. **Wayfinding Sign:** A system of public purpose off-premises signs designed to only lead patrons to special areas and to announce one's arrival into the heart of the community and erected by the Town of Wake Forest or its designee.
12. **Window Sign:** Signs shall be allowed on the show window glass of non-residential properties provided that they cover no more than fifty (50) percent of the gross glass area on any one side of the building and they are not separately illuminated.



I. Sign Standard:

1. Sign Area Computation

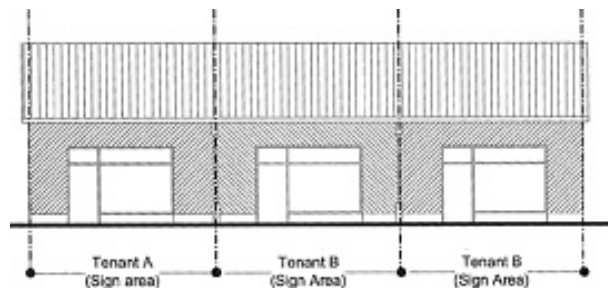
- a. The sign area of a wall sign which consists of individual letters that are printed on or erected directly onto a wall exclusive of any sign surface is measured by finding the area of the minimum imaginary rectangle or square of vertical and horizontal lines which fully enclose all sign words or message.

Diagrams 5-6

Multiple Elevations

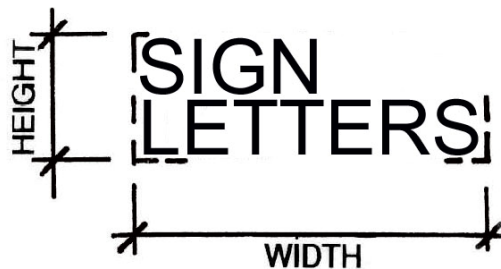


Multiple Tenants



- b. The sign area of signs with three (3) or more sides containing copy, message, decoration or announcement visible from a street, highway or expressway is measured as the sum of the area of any two (2) adjacent sides.
- c. The sign area of any other sign is measured by finding the area of the minimum imaginary rectangle or square of vertical or horizontal lines which fully enclose all extremities of the sign exclusive of its supports. Supports include poles, mast or a structure such as a wall that is not unlikely an integral part of or attached to a building. On signs with two (2) display surfaces, the sign area is taken as the total square footage of one (1) display surface.

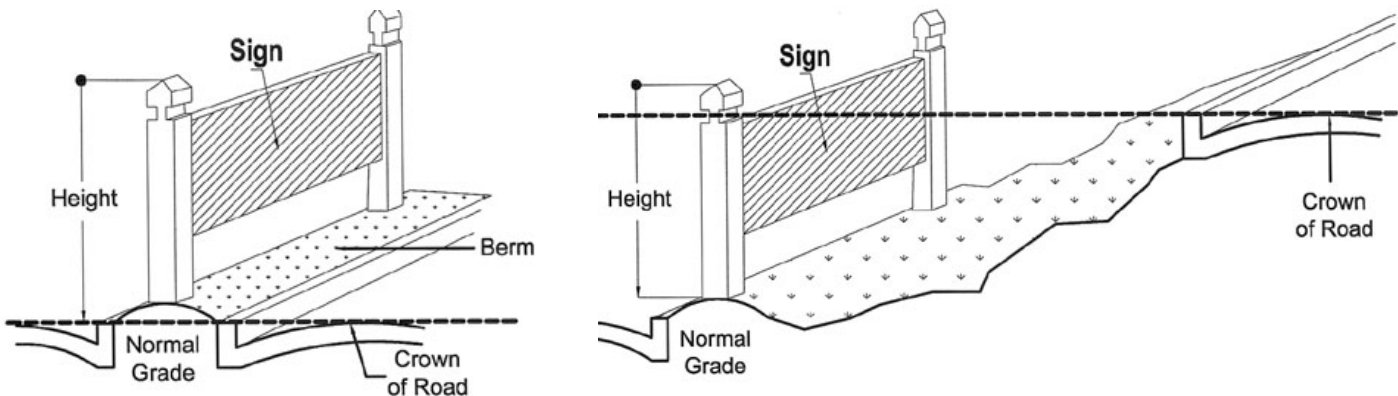
Diagram 7



- d. The sign height for ground signs shall be computed as the distance from: (1) the base of the sign at the finished grade or from (2) the nearest adjacent street grade to which the sign is oriented and on which the lot has frontage, whichever is higher, to the top of the highest component of the sign. Finished grade shall be the grade after construction, exclusive of any filling, berming, mounting, or excavating solely for the purpose of locating the sign.

Ground Signs – Finished Grade Computations

Diagrams 8-9



The following requirements shall apply to all those signs requiring a permit

Ground Signs			
Sign District	Maximum Height	Maximum Square Footage	Other
All Residential Districts	6 ft.	4 sq. ft. <i>*12 sq. ft.</i>	<i>*Non-residential uses</i>
HB	20 ft.	70 sq. ft.	One (1) per business lot
NB	12 ft.	40 sq. ft.	One (1) per business lot
O-I	12 ft.	40 sq. ft.	One (1) per business lot
RA-HC, RA-UC, RA-C	5 ft.	15 sq. ft.	May be placed no closer than 10' from street pavement, monument type, no pole signs.
I	10 ft.	100 sq. ft.	One (1) per business lot
ICD	7 ft.	24 sq. ft.	One (1) per entrance to the campus at public streets and at a major walkway considered to be the main entrance. One (1) per building for identification.

Wall Signs			
Sign District	Maximum Square Footage	Maximum Number	Other
RD, MF, R-15, R-10, R-8, R-5	0.5 sq. ft. per linear ft. of building wall.	2 signs per building wall.	12" maximum protrusion. No sign shall extend above roofline.
HB, NB, O-I, RA-HC, RA-UC, RA-C	1.5 sq. ft. per linear ft. of building wall.	Maximum 4 signs per building wall.	12" maximum protrusion. Wall must face a public street or private access way if building is not adjacent to a public street. No sign shall extend above roofline.
ICD	Maximum of 4 sq. ft. per building entrance Maximum of 24 sq. ft. per building at main entrance	One (1) per building entrance	No sign shall extend above roofline.

Other Signs		
Sign Type	Sign District	Dimensions
I.D. Plaques	Historic Sites Only	Maximum 4 sq. ft. surface area
Home Occupation	All Residential Districts	Maximum 2 sq. ft. surface area. Attached to building.
Construction Projects	All Districts	Maximum 32 sq. ft. surface area.
Marquee Signs	RA-HC, RA-UC, RA-C, HB	Maximum 32 sq. ft. surface area. Freestanding signs maximum 6 ft. in height May only be used in conjunction with a theater. Project over a public sidewalk no closer than 4 feet to the curb, so as not to interfere with street trees, street lights, or public signs.
Roof Signs	HB, NB, I	1.5 sq. ft. per linear ft. of building wall to be erected upon; and shall be considered in the sum of the permitted area for the wall to which the sign is attached.

Other Signs		
Sign Type	Sign District	Dimensions
Traffic Control & Parking Lot	All Districts	Maximum 6 feet high. Maximum 4 sq. ft. surface area.
Projecting Sign	RA-HC, RA-UC, RA-C	Projecting signs attached to a building in a perpendicular fashion shall be acceptable as part of the overall allowed wall signage. The number of such signs shall not exceed one per tenant. Projecting signs are subject to the following: (1) The sign area for a one-story building shall not exceed 4 sq.ft. per side and for buildings exceeding one-story, the signboard shall not exceed 6 sq.ft. per side. (2) The height of the top edge of the signboard or bracket shall not exceed the height of the wall from which the sign projects. (3) No element of the sign shall hang lower than 7 feet above the ground or pedestrian walkway; (4) Projecting signs may extend over the public right-of-way, but shall not be located closer than 4 feet from street pavement. They shall be mounted and attached to buildings in a secure manner. The sign, brackets and mounting devices shall be maintained in good repair for both safety and appearance. (5) The signboard and the bracket shall not project more than 3 feet from the wall. (6) Projecting signs may be internally illuminated. Any indirect lighting or spot lighting shall require complete shielding of all light sources so as to illuminate only the face of the sign and prevent glare from off-site. (7) All lettering and graphics shall be permanent; changeable copy is prohibited. (8) Three dimensional signs are encouraged.
Awning, Canopy, & other Suspended Signs	HB, NB, O-I, I, RA-HC, RA-UC, RA-C	Within the allowable wall sign area, suspended signs shall be allowed under canopies or along pedestrian arcades, provided that: (1) Such signs shall not exceed one per tenant in a multi-tenant building entrance; (2) Such signs shall not exceed two square feet in area; (3) No element of the sign shall hang lower than seven feet above the ground or pedestrian walkway; (4) They shall be mounted and attached to buildings in a secure manner, shall not include wire or turnbuckle guy and shall be maintained in good repair for safety and appearance. (3) Such signs shall not be separately illuminated; and (4) Such signs shall contain only the address, suite number, logo or name of the occupant or business served by the entrance.
Time & Temperature	HB, NB, O-I, RA-UC, RA-C	Maximum 20 feet high. (HB - Maximum 30 feet high). Maximum 12 sq. ft. surface area.

Other Signs		
Sign Type	Sign District	Dimensions
Electronic Message Board	HB, NB	Electronic message boards may be incorporated into wall or ground signs within the overall maximum dimensions. (1) The electronic message board shall not comprise more than 50% of the primary sign area. (2) The electronic message shall not change in increments of less than two minutes and shall not scroll. New messages shall be timed to fade in and out slowly.
Wayfinding (erected by the public on either public or private property)	RA-HC, RA-UC, RA-C	Public Purpose off-premises identification signs, no larger than 1 sq ft. per location, business or facility, may be permitted on public or private property if erected by the Town or its designee.
Banners, Flags, & Pennants (Temporary Use for Special Events)	ICD	*Maximum 32 sq. ft. surface area. Minimum 7 feet clearance if projecting or hung over any sidewalk, for safety reasons. Minimum 10 feet clearance if hung over any street, driveway, alley, or any other vehicular travel way, for safety reasons. More may be required if the street involved warrants it.
Sandwich Board Signs	RA-HC, RA-UC	(1) Maximum height: 4 ½ ft., including legs. (2) Sign dimensions shall be 2 ft. wide and 4 ft. high with a maximum surface area of 8 sq.ft. per side. (3) Must be constructed of materials that present a finished appearance. Rough-cut plywood is not acceptable. Decorative trim or molding shall surround the message area. The sign lettering shall be professionally painted or applied; a "yard sales" or "graffiti" look with hand painted or paint stenciled letters is not acceptable, however, chalkboard signs shall be permitted. The written message of the sign should be kept to the minimum necessary to communicate the name of the business or a special message of the business; (3) Signs may be mounted on lockable wheels. (4) Sandwich boards shall not be illuminated. (5) Only chalkboard signs shall provide for changeable copy. (6) Signs may be located on a public sidewalk, but must be located such that a minimum of 48 inches unobstructed space is maintained for pedestrians. The sign shall be placed to create the least impediment to pedestrian flow, e.g. between tree grates at curbside. (7) Must be removed at the close of business each day.

** A plan showing diagrams of each type of banner, flag, or pennant and their method of installation must be submitted to the Planning Department for approval at least thirty (30) days prior to the special event making use of these banners, flags, or pennants. The installation cannot be initiated until appropriate approval is received and not more than one (1) week prior to the event. All such banners, flags, or pennants must be removed within three (3) days after the conclusion of the event. Nothing in these requirements shall be construed to imply any restriction*

or prohibition on the appropriate display of any official flag of the United States, the State of North Carolina or any other governmental entity.

- *Maximum 32 sq. ft. surface area.*
- *Minimum 7 feet clearance if projecting or hung over any sidewalk, for safety reasons.*
- *Minimum 10 feet clearance if hung over any street, driveway, alley, or any other vehicular travel way, for safety reasons. More may be required if the street involved warrants it.*
- *Manner of installation must be based on established safety standards.*
- *Must be made of fire-retardant material or treated to be fire retardant.*
- *Must not obstruct any fire escape, window, or door, or be placed in such a manner so as to interfere with any openings required for ventilation, nor offer hindrance to fire department equipment or personnel.*
- *Banners, flags, or pennants may be placed in or along the right-of-way of public streets immediately adjacent to the campus providing a letter of permission from the proper utility company and/or property owner, holding the town harmless, is submitted if the banner, flag, or pennant is to be attached to any utility pole or to any tree or other object located on private property.*

Section 5. Recreation Facility Fee Requirements

- A. Recreation Facility Fees.** Pursuant to the authority granted to the Town by the State of North Carolina in Chapter 502, Senate Bill 576 (1989), the Town shall impose a recreation facility fee for each new single-family or multi-family unit development including, but not limited to, condominiums, town homes, apartments, and duplexes built in the Town or the Town's extraterritorial planning area. All developers of residential subdivisions, multi-family developments, planned unit developments and manufactured home parks for which Town approval or permitting is required, or which results in residential real property improvements shall pay the recreation facility fee.

Effective November 17, 1998, no building permit or, for those improvements not requiring a building permit, no other town permits or utilities connections shall be issued or completed for any building or improvement until the recreation facility fee has been paid to the Town in full.

- B. Exceptions.** The Recreation Facility Fee shall not apply to fences, billboards, poles, pipelines, transmission lines, advertising signs or similar structures and improvements, renovations and repairs which do not generate the need for additional or expanded recreational facilities. Furthermore, the recreation facility fee shall not apply to residential subdivisions, multi-family developments, planned unit developments and manufactured home parks, which have received master plan approval or an established zoning vested right prior to the aforementioned effective date.
- C. Fee Amounts.** The recreation facility fee shall be paid to the Town in the amounts as determined by the Board of Commissioners.

D. Appeals. Any person who feels aggrieved by any action of the Town in imposing the facilities fee on a development or the Town's classification for the purpose of establishing the rate, must first pay the amount of the facilities fee so charged to him/her, with such amount clearly marked as paid under protest, and thereafter give notice of appeal within a period of thirty (30) days after such payment. Such notice should be delivered by personal service (as defined in Section 1A-1, Rule 4 of the N. C. General Statutes) or registered or certified mail, return receipt requested, directed to the Town Manager. A public hearing shall be held by the Board of Commissioners to review said matter within a period of thirty-five (35) days following receipt of notice of appeal; the decision upon said appeal shall then be subject to review by the Superior Court by proceedings in the nature of certiorari; any petition for review by the Superior Court shall be filed with the clerk of Superior Court of Wake County within a period of thirty (30) days following the date the decision of the Board of Commissioners is delivered in writing to the appealing party, said delivery to be either by personal service or by registered mail or certified mail, return receipt requested.

Section 6. Landscape Standards

Purpose: The intent of the ordinance is to provide guidelines and establish requirements for the proper relationships between non-compatible uses; to protect, refurbish, and improve the aesthetic appeal, scenic beauty, historic character and economic value of properties within the town by retention of natural vegetation and placement of necessary landscaping; and establish regulations for better control of the existing environment, visual pollution, noise and artificial light and glare for the health, safety and welfare for the Town of Wake Forest.

A. Application of Requirements

1. General provisions: The requirements of this section shall apply to all land, public and private, in the Wake Forest zoning jurisdiction. Occupancy certificates for uses authorized by the zoning ordinance shall not be issued until such requirements are installed, unless provided otherwise in this section. The following categories shall meet the requirements of this section:

- bufferyards
- off-street parking areas
- street rights-of-way
- streetyards
- loading and utility service areas
- streams, creeks, rivers, and lakes

2. Exemptions: None of the requirements listed herein shall apply to the following:

- a. Improvements or repairs to interior and exterior features of existing structures or buildings which do not result in expansions or changes in the type of occupancy as set forth in the North Carolina Building Code.

- b. A single-family detached dwelling on an individual lot of record.

3. Pre-existing Development:

- a. Preexisting development that does not comply with the requirements of this section will be required to comply with said requirements in the following circumstances:
 - 1) A change in type of occupancy, as set forth in the North Carolina Building Code;
 - 2) A change in land use which requires an increase in the number of off-street parking spaces or the provision of a bufferyard;
 - 3) Additions or expansions which singularly or collectively exceed twenty-five (25) percent of the land area or gross building floor area existing at the effective date of this section.
- b. The Town of Wake Forest recognizes that designing preexisting development to meet new regulations is more difficult and expensive than applying these standards to undeveloped properties. Therefore, greater flexibility will be afforded preexisting development in meeting the requirements of this section, in that:
 - 1) A variance of up to twenty-five (25) percent may be granted by the administrative officer for planting area and dimension requirements where compliance present hardships due to building location, lot size, or vehicular area configuration;
 - 2) A credit for reducing required off-street parking by one (1) space shall be given for the construction of each landscape island.

4. Procedures

- a. When a site plan review is required pursuant to Article IV, Section 12 of this ordinance, or when an application is made for a development permit on any land to which the requirements of this section apply, the development plan shall be accompanied by a landscape plan. The landscape plan shall include the following:
 - 1) Existing vegetation and landscaping including the location of any specimen or landmark trees; proposed landscaping including the location, number, species, size, height and spacing; the location and dimensions of planting areas, streetyards and bufferyards; and the location and dimensions of walls, berms, and fencing.

- 2) The delineation of existing vegetation which is to be maintained or preserved as a Tree Save Area to meet or supplement the requirements of this section;
 - 3) The location and description of Tree Protection measures which are to be utilized;
 - 4) The planting schedule which is to be followed for the installation of all new plant material.
- b. All planting materials specified by the landscape plan shall be installed prior to the issuance of the Certificate of Occupancy. Exceptions may be granted by the administrative officer upon petition by the developer of the project. The petition must state the reason for the exception and the new planting schedule to be followed. In the following circumstances, exceptions may be granted for a period of one (1) year:
- 1) The unavailability of specified plant material;
 - 2) Weather conditions that prohibit the completion of the project or jeopardize the health of the plant material.

Granted exceptions shall be secured by a performance guarantee, such as a cash deposit, bond, letter of credit, or other reasonable collateral.

B. Tree Preservation Standards

It is the intent of this section to maintain an overall coverage of mature trees for the community as a whole as development occurs by encouraging the retention of existing vegetation and supplemental plantings in order to:

- Maximize the economic vitality and positive community image associated with the Town's mature vegetation, and protect and enhance property values;
- Maintain the aesthetic quality of the community as a whole;
- Moderate climate and reduce energy costs; and
- Mitigate the negative impacts of noise, air, and water pollution, and soil erosion on the environment of the Town and on its inhabitants.

Baseline Tree Canopy Coverage Requirement: Land or property to which the requirements of this Section apply, regardless of land use, shall maintain a minimum baseline canopy coverage area of one (1) canopy tree and one (1) understory tree per 5,000 square feet of parcel area. This requirement may be met through the retention of existing vegetation, supplemental plantings, or a combination of both. The following standards shall apply:

- 1. Priority One Areas:** It is the intent of this paragraph to promote the protection of the existing vegetation of these areas of the site since, due to their environmental sensitivity and aesthetic impact, they represent a community asset. Every reasonable effort should

be made to meet the baseline canopy coverage area through the retention of existing vegetation in the following Priority One Areas of the site:

- Required Bufferyards between conflicting uses (as defined in this Section);
- Thoroughfare Buffers;
- Watercourse Buffers;
- 100 year flood plains, as defined by FEMA.
- Historic and/or Landmark trees which meet the requirements of this Section.

Standards for tree protection shall be utilized as outlined in this Section.

2. Additional Tree Preservation

In addition to Priority One areas, the following incentives are offered to encourage tree preservation for additional portions of the site:

a. Single-family Residential:

- 1) Reduction to a maximum of 20% of minimum lot size when a corresponding Tree Save Area is established.
- 2) Reduction to a maximum of 50% of required street tree or buffer plantings for every 200 square feet of TSA established in or along a street or bufferyard.
- 3) Flexibility in other design requirements will be considered on a case-by-case basis to accommodate the establishment of a TSA.

b. Multi-Family Residential or Non-Residential:

- 1) Reduction to a maximum of 20% of minimum parking requirement when a TSA is established by one (1) space per 200 square feet of TSA.
- 2) Reduction to a maximum of 50% of required parking lot planting when a TSA is established adjacent to a parking area by one (1) tree per 200 square feet of TSA.
- 3) Flexibility in other design requirements will be considered on a case-by-case basis to accommodate the establishment of a TSA.

3. Tree Save Areas: Trees survive the stress of construction best when they are left in stands or larger groupings. For that reason, it is encouraged that, wherever possible, the site should be designed and developed so that Tree Save Areas (TSAs) are designated in a single, contiguous unit. In order to qualify for the purpose of meeting the requirements of this Section, designated Tree Save Areas must conform to the following standards:

- a. **Minimum Dimensional Requirements:** The extent of the critical root zone of the tree or trees at the outer edges of the Tree Save Area shall constitute the limits of construction for the purposes of this chapter. While there is no required minimum dimension, it is strongly encouraged that stands of trees be preserved, and the Tree Save Area be delineated so that it is at least two trees wide (approximately sixty feet).
- b. **Minimum Content Requirements:** Existing vegetation on a site will be found in groups of varying size, species, and quantity. Since it is the intent of this section to preserve the larger, mature canopy trees on a given site, the TSA should contain, as determined by an informal site assessment, predominantly canopy tree species which are at least 2" caliper and a minimum of 10' in height. It is not the intent of this paragraph to require a formal tree survey.
- c. **Maintenance & Ownership:** When a TSA is established in association with the incentives as listed in this section, it should be designated, where possible, as a dedicated open space, or in a conservation easement.

C. Tree Protection Standards

It is the intent of this Section to establish minimum standards of protection in order to ensure that trees which are to be saved remain undamaged, thus improving their long-term chances of survival.

1. **Clear Delineation:** Tree Save Areas, Buffers or other areas where existing vegetation is to be preserved shall be delineated on the construction site as it is shown on the approved landscape plan. The area must be clearly marked with signage designating it a "Tree Protection Area," and must be surrounded by one or more of the following:
 - Continuous four (4) foot orange polyethylene laminar safety fencing.
 - Continuous rope or four (4) inch wide heavy mill flagging.
2. **Land Disturbance:** There should be no clearing, excavation, soil compaction or changes of the existing grade within the delineated Tree Save Areas. Should the removal of underbrush vegetation take place, every effort should be made to minimize the disturbance of the TSA by heavy equipment, soil compaction, etc.
3. **Storage of Equipment:** The storage of construction or other vehicles and/or equipment, site construction materials, portable buildings, including portable toilets, or other heavy objects is prohibited within delineated TSAs.
4. **Encroachments by Utilities:** Where utilities must encroach upon a delineated TSA they should be installed by tunneling, rather than by trenching. If it is necessary for roots to be disturbed, then proper root pruning procedures should be employed.

D. New Planting and Replacement Standards:

1. Plantings installed to meet the baseline vegetation requirement and other requirements of this Section shall be chosen from the Official Planting List as outlined in this Section. Substitutions may be made only by approval of the Administrative Officer.
2. At the time of planting, all trees shall be a minimum of two and one-half (2-½) inches in caliper.
3. At the time of planting, all shrubs shall be a minimum of eighteen (18) inches in height measured from grade, and a minimum crown width of fifteen (15) inches, or as specified in the latest edition of the *American Standard for Nursery Stock*.
4. All planting areas that are adjacent to parking or vehicular circulation areas shall be protected from vehicular intrusion or damage from excessive vehicular lubricants or fuels.
5. Landscaping shall not obstruct the view of motorists using any street, parking aisle, private driveway or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to public safety.

E. Historic and Landmark Trees

It is the intent of this section to promote the preservation of trees which are of a significant enough size and/or of such a historic nature as to be an asset to the community as a whole.

1. **Landmark Trees:** Where there exists one or more Landmark Trees on property subject to the regulations of this section, every effort shall be made to preserve and protect that tree or trees, according to the protection standards as outlined in this Section. For the purposes of this Section, Landmark Trees shall be defined as those trees which meet one or more of the following:
 - a. A caliper size equal to or greater than twenty-four (24) inches for a tree of any species which appears to be in good health;
 - b. Designation as a “Champion,” Landmark,” or “Meritorious” Tree by the Wake County Capital Trees Program;
 - c. Designation as a Landmark Tree by the Wake Forest Board of Commissioners.
2. **Historic Trees:** Where there exists one or more designated Historic Trees on property subject to the regulations of this Section, every effort shall be made to preserve and protect that tree or trees, according to the methods outlined in this Section. For the purposes of this section, Historic Trees shall be defined as those trees which meet one or more of the following:

- a. Designation as a “Historical Tree” by the Wake County Capital Trees Program;
 - b. Designation as a “Historic Tree” by the Wake Forest Board of Commissioners.
- 3. Designation:** Upon petition by the owner of the property on which the tree(s) is located, and the recommendation of the Wake Forest Tree Board, the Wake Forest Board of Commissioners may designate a specific tree or group of trees as either “Landmark,” “Historic,” or both. In order to be designated as such, the following criteria must be demonstrated by the owner:
- a. Landmark Trees**
 - 1) Using the measurement and point system established for state and national champion trees, a nominated tree must have a point total of at least 50% of the current state champion for the particular species; or be a highly visible or recognizable tree or group of trees which has significance for the entire community; and
 - 2) Must exhibit such health, condition, and form as to have a reasonable prospect of continuing useful life.
 - b. Historic Trees**
 - 1) Must be at least fifty (50) years old and exhibit such health, condition, and form as to have a reasonable prospect of continuing useful life; and
 - 2) Must be associated with a specific and significant historic event or individual; or contribute to the character of a historic building or property.

F. Bufferyard and Screening Requirements

- 1. Bufferyards:** Where there are competing or conflicting land uses and/or differences in the intensity of the land uses, bufferyards and screening shall be required according to the following:
 - a. The designated bufferyards are intended to be an aggregate dimension between the competing uses.
 - b. If a proposed use is to develop next to an undeveloped or vacant property, the proposed use will be required to designate one-half of the required bufferyard based on the previous use or the potential use of the adjacent property. The potential use of the adjacent property will be determined by the existing zoning or the proposed use as shown on the Land Use Management Plan.

- c. If a proposed use is to develop next to an existing land use which was not previously required to create a bufferyard, the proposed use will be required to create the entire bufferyard.
- d. Perpendicular encroachments by driveways, pedestrian-ways, and utilities are permitted, but should be minimized to the extent feasible.
- e. Bufferyards shall range in width from ten (10) to one hundred (100) feet. The following table illustrates the required bufferyard widths:

Proposed Use	Land Use on Adjacent Property							
	#1	#2	#3	#4	#5	#6	#7	#8
#1	0	10	10	20	20	20	50	100
#2	10	0	0	20	20	20	50	100
#3	10	0	0	10	20	20	50	100
#4	20	20	10	0	20	20	50	100
#5	20	20	20	20	0	10	10	20
#6	20	20	20	20	10	0	10	20
#7	50	50	50	50	10	10	0	10
#8	100	100	100	100	20	20	10	0

- 1 - Agricultural/Recreational
- 2 - Detached Dwelling Units (15,000± square foot lots)
- 3 - Detached Dwelling Units (8,000 to 14,999 square foot lots)
- 4 - Detached Dwelling Units (-8,000 square foot lots) and Multi-Family Units
- 5 - Office & Institutional
- 6 - Light Commercial
- 7 - Heavy Commercial
- 8 - Industrial

2. Screening:

- a. Bufferyards shall be required to meet the following minimum screening requirements:

	Type A	Type B
Adjacent Land Uses	Residential vs. Non-Residential	Residential vs. Residential and Non-Residential vs. Non-Residential
Minimum # of Trees	3/1000 square feet	2/1000 square feet
Minimum # of Shrubs	20/1000 square feet (3' min at planting; 6' min at maturity)	12/1000 square feet (3' min at planting; 6' min. At maturity)
Minimum % Evergreen	50%	50%

- b. Existing vegetation in bufferyard areas which meets the minimum standards for a Tree Save Area (TSA) shall qualify for the screening requirements. Where existing vegetation is insufficient or must be removed due to construction activity, new plantings shall be used to supplement any remaining existing vegetation in order to meet the minimum screening requirements.

3. Additions to Buffers and Screening. When it is determined that the conflict of land use is so great that the public safety is not served adequately by the minimum buffer and screening requirements, or where there is a need to prevent obvious visual disorder of land uses, then the Board of Commissioners may require the installation of fencing or earthen berms. When required by this section, the following standards shall apply:

a. Fencing:

- In all cases, the finished side of the fence must face the use with the lower intensity.
- Masonry, stone, block wall, brick or board fence of solid appearance, which complies with the purposes stated by the Board of Commissioners.
- Required where a high degree of visual, audio, or physical disorder prevails.
- A decorative fence constructed of masonry, ornamental block or wood, required when physical screening is needed, but to a lesser extent than described in subsection “a,” above.
- The height of the fence shall be determined by the Board of Commissioners based on the following variables: site conditions; topography; use; and/or building height. The minimum height of a fence required by this section shall be four (4) feet, and the maximum height shall be eight (8) feet.

- b. Berms.** Earthen berms may be required in combination with plant material and fencing for the purposes of screening. Typical heights are between four (4) and six (6)

feet, and typical widths are three (3) feet for every one (1) foot of berm height. Berms shall be tapered appropriately to allow for practical maintenance.

G. Streetyard Requirements

It is the intent of this section to ensure that Wake Forest remains a community of tree-lined streets in order to reduce excessive noise, glare, and heat, and to ensure the aesthetic quality of the Town's new neighborhoods.

- 1. Street Trees.** Street trees should be planted within the public right-of-way to create a more pleasing view and allow for the continuity of canopy cover. However, where not practical due to the location of utilities or other site constraints, street trees may be planted on private property upon dedication of a tree easement. Street trees shall be installed according to the following standards:
 - a. One (1) canopy tree for every fifty (50) linear feet of planting area, or fraction thereof equal to or greater than twenty-five (25) feet;

or;
 - b. One (1) understory tree for every thirty-five (35) linear feet of planting area, or fraction thereof equal to or greater than eighteen (18) feet;

or;
 - c. A combination of both canopy and understory trees, such that the total number of trees is based on the same ratio as stated in (a) and (b).
 - d. Arrangement of and distance between trees is at the owner's option, except that the following minimum spacing applies:
 - Twenty (20) feet between canopy trees
 - Fifteen (15) feet between canopy trees and understory trees
 - Eight (8) feet between understory trees
 - e. Street trees shall be located and installed as shown in Figure 3.

2. Special Area Planting Requirements

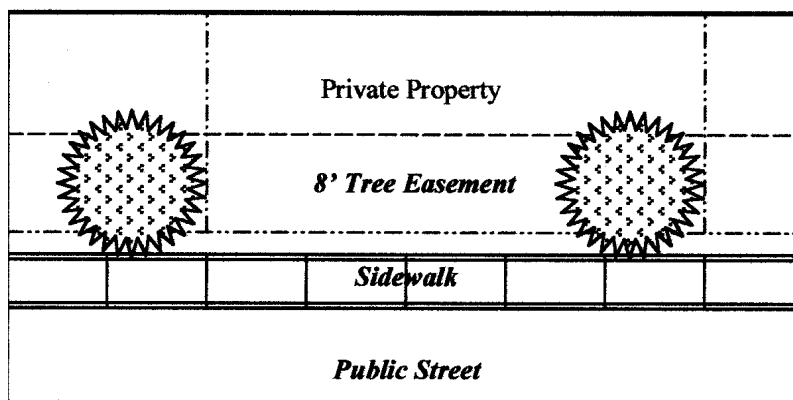
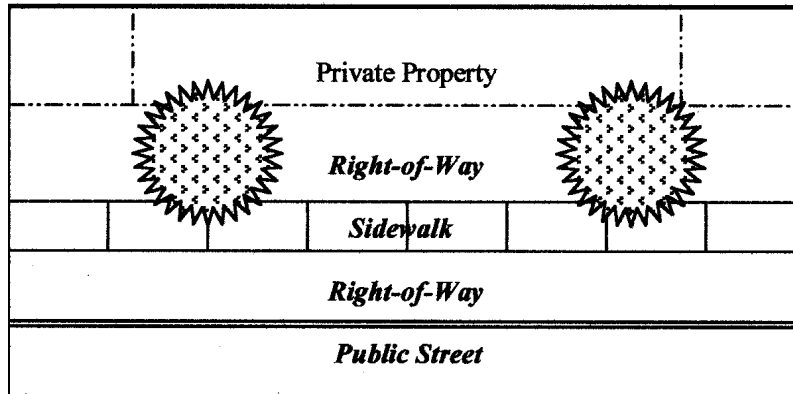
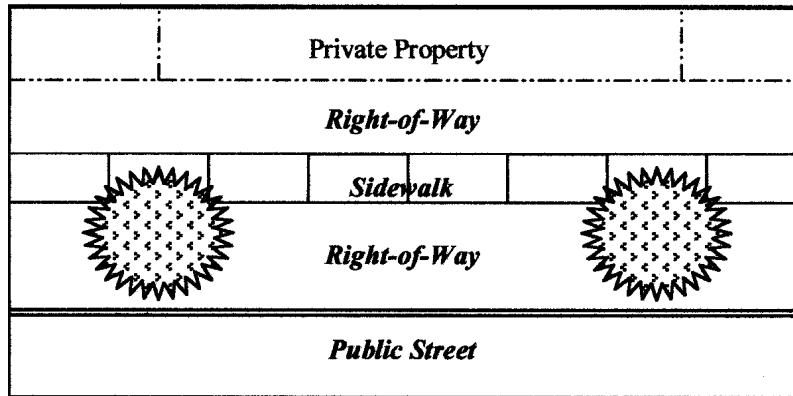
- a. If there exists an adopted corridor plan or planting standards for a specific street, the Owner must adhere to those standards;
- b. If the development abuts US-1 or the NC-98 By-pass, the Owner is required to retain the existing vegetation within the street yard. If the parking lot for the development is located in the rear of the development or if the development has frontage on a service road, the street yard shall be thirty (30) feet. Otherwise, the street yard shall be fifty

(50) feet. Within the required street yard, plantings shall consist of a minimum of five (5) canopy trees for every fifty (50) linear feet of frontage.

H. Landscaping of Off-Street Parking and Loading

1. Screening: All off-street parking, loading areas, and mechanical equipment adjacent to and/or visible from a public right-of-way and having more than four (4) spaces shall be screened from view by use of one or more of the following:
 - a building or buildings;
 - a change in topography;
 - a planting area a minimum of eight (8) feet wide planted with evergreen shrubbery placed a maximum of five (5) feet on center.
2. In addition to screening requirements, a planting island shall be provided for every ten (10) parking spaces and shall meet the following:
 - a minimum of 160 square feet in area.
 - a minimum horizontal dimension of nine (9) feet.
 - a minimum of one (1) canopy tree per island.
 - evergreen shrubs planted at a minimum of three feet (3) feet on center for the balance of the island.

Figure 3. Street Trees



3. All loading areas shall be screened for their entire length except for necessary access. Screening shall consist of evergreen shrubs, fencing, walls or berms, and shall comply with all other standards of this section.

I. Watercourse Buffer Areas

It is the intent of this section to seek to maximize retention of the natural beauty of vegetation along creeks, streams, rivers, and lakes, while simultaneously providing for the retention of surface water run-off from development adjacent to these natural and/or built features, resulting in a net reduction of pollutants that enter these water features.

1. **Natural Assets.** In all cases where development is proposed adjacent to streams, rivers, creeks, lakes, or ponds, every effort should be made to preserve these natural assets.
2. **Preservation & Buffering Requirements.** If a proposed development is traversed by a stream, river, or creek, or if a proposed development is adjacent to a pond, lake or other water body, an undisturbed buffer shall be maintained for a distance of fifty (50) feet measured from the edge of the water body. If the water body is subject to flooding, the measurement shall be taken from the ten (10) year flood boundary. The buffer shall consist of the natural existing vegetation, or a “Type A” planted buffer in accordance with the requirements of this section.
3. **Relocation of a stream,** where unavoidable, shall be planned and executed so as to minimize changes in the stream flow characteristics. If the alteration is needed, the developer shall be required to re-vegetate the area with the required fifty (50) foot “Type A” buffer.
4. **Compliance with Other Plans.** All land clearing activities shall be in conformance with all requirements of the Erosion and Sedimentation Control Ordinance, as administered by Wake County, and shall be in addition to buffering requirements set forth in this section.

J. Maintenance & Enforcement

It is the intent of this section to ensure that the planting and preservation areas established to meet the requirements of this section are maintained, and to ensure that violators of these requirements are dealt with properly.

1. **Maintenance.** It shall be the responsibility of the developer and/or property owner to ensure that all landscaped areas, buffers, fencing, and Tree Save Areas are installed and maintained in good growing conditions, appearance, and usefulness.
2. **Enforcement Authority and Penalties.**
 - a. The authority to determine whether the regulations of this ordinance have been met shall rest with the Administrative Officer. Appeals of his/her decision shall be taken

- to the Board of Adjustment. The Administrative Officer may, in his/her discretion, ask the Planning Board to issue an advisory opinion whenever he/she questions whether any of the provisions herein have not been or will not be met, and the developer and/or owner may also request such an advisory opinion. (NOTE: Opinions issued by the Planning Board are advisory. They are not binding.)
- b. Notice of violation shall be sufficient if directed to the developer, owner, the agent of the owner, or the contractor, and left at his/her known place of business or residence. The notice of violation shall state the specific violation, and indicate whether immediate enforcement will be sought, or if thirty (30) days will be allowed to correct or remove the violation.
 - c. Failure to comply within the time period specified by the notice authorizes the Administrative Officer to initiate any civil or criminal action as provided in Article IV, Section 10 of this ordinance.

K. General Information

1. Definitions:

Berm: An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Buffer: A combination of physical space and vertical elements, such as plantings or fencing, used to separate and screen incompatible land uses from each other.

Bufferyard: The area of a required buffer in which plantings or other screening elements are to be located.

Caliper: American Association of Nurserymen Standard for trunk measurement, taken six (6) inches above the ground for trees up to and including four (4) inch caliper size, and twelve (12) inches above the ground for trees larger than four (4) inches caliper.

Canopy Tree: Any tree expected to reach a height in excess of thirty (30) feet at maturity.

Critical Root Zone: The area located approximately two feet outside the crown dripline which represents the most important bulk of the tree's root mass.

Crown Dripline: A vertical line extending from the outer edge of a tree's branches to the ground level.

Diameter at Breast Height (DBH): Standard measure of a tree's trunk size measured four and one half (4 ½) feet above ground level.

Deciduous: Refers to plants which typically shed their foliage annually.

Evergreen: Refers to plants which typically do not entirely shed their foliage annually.

Landscape Plan: The design and specifications for the preservation of existing vegetation; the placement of any live plant materials such as trees, shrubs, grasses, ground covers, etc.; and the location and design of built features such as berms, fencing, walls, etc.

Planting: The installation of vegetation, or the vegetative material installed.

Screening: A method of reducing the impact of noise, incompatible uses, and unsightly visual intrusions by use of plants, berms, fences, or any combination thereof.

Shrub: Any variety of low-growing, woody plants, generally characterized by several upright stems, and not typically exceeding ten (10) feet in height.

Streetyard: The area of land, of varying widths, parallel to a public street right-of-way.

Understory Tree: Any tree expected to reach a typical height of greater than ten (10) but not more than thirty (30) feet at maturity.

2. Official Planting List

The following constitutes the complete list of plant material which may be used for the purposes of meeting the requirements of this section, and the specific use for which credit will be permitted. An “*” symbol next to the scientific name indicates that ONLY the listed plant, and NOT other related varieties or cultivars, may be used.

ST= Street Tree

PL= Parking Lot

B= Buffer

Canopy Trees: Evergreen			
Scientific Name	Common Name	Size	Permitted Use
<i>Calocedrus decurrens</i>	“Incensecedar”	30'-50' height/ 10'-15' spread	B
<i>Cedrus atlantica</i>	“Atlas cedar”	40'-60' height/ 30'-40' spread	B
<i>Cedrus deodara</i>	“Deodar cedar”	40'-70' height/ 40'-70' spread	B
<i>Cedrus libani</i>	“Cedar of Lebanon”	40'-60' height/ 40'-60' spread	B
<i>Juniperus virginiana</i>	“Eastern redcedar”	40'-50' height/ 10'-20' spread	B
<i>Magnolia grandiflora</i>	“Southern Magnolia”	40'-60' height/ 25'-30' spread	ST; PL;B
<i>Picea abies</i>	“Norway spruce”	40'-60' height/ 25'-30' spread	B
<i>Picea orientalis</i>	“Oriental spruce”	50'-60' height/ 25'-30' spread	B
<i>Picea pungens</i>	“Colorado blue spruce”	30'-60' height/ 10'-20' spread	B
<i>Pinus bungeana</i>	“Lacebark pine”	30'-50' height/ 20'-35' spread	B
<i>Pinus echinata</i>	“Shortleaf pine”	50'-80' height/ 25'-40' spread	B
<i>Pinus palustris</i>	“Longleaf pine”	80'-100' height/ 30'-40' spread	B
<i>Pinus strobus</i>	“White pine”	80'-100' height/ 30'-40' spread	B
<i>Pinus sylvestris</i>	“Scotch pine”	40'-70' height/ 15'-30' spread	B
<i>Pinus taeda</i>	“Loblolly pine”	40'-80' height/ 20'-40' spread	B
<i>Pinus thunbergii</i>	“Japanese Black pine”	50'-70' height/ 20'-30' spread	B
<i>Quercus laurifolia</i>	“Laurel oak”	40'-60' height/ 30'-40' spread	ST; PL
<i>Quercus virginiana</i>	“Live oak”	40'-80' height/ 60'-100' spread	ST; PL
<i>Thuja occidentalis</i>	“Eastern arborvitae”	30'-50' height/ 10'-20' spread	B
<i>Thuja plicata</i>	“Giant arborvitae”	50'-70' height/ 15'-25' spread	B
<i>Tsuga canadensis</i>	“Canadian hemlock”	30'-40' height/ 15'-30' spread	B
<i>Tsuga caroliniana</i>	“Carolina hemlock”	30'-70' height/ 20'-25' spread	B

Canopy Trees: Deciduous			
Scientific Name	Common Name	Size	Permitted Use
<i>Acer x freemanii</i>	“Armstrong maple”	60'-70' height/ 25'-45' spread	ST; PL; B
<i>Acer platanoides</i>	“Norway maple”	40'-50' height/ 30'-40' spread	ST; PL; B
<i>Acer rubrum</i>	“Red maple”	50'-60' height/ 30'-40' spread	ST; PL; B
<i>Acer saccharinum</i>	“Silver maple”	60'-80' height/ 40'-60' spread	B
<i>Acer saccharum</i>	“Sugar maple”	50'-80' height/ 30'-50' spread	ST; PL; B
<i>Aesculus x carna</i>	“Red horsechestnut”	45'-50' height/ 30'-45' spread	ST; PL; B
<i>Aescelus hippocastanum</i>	“Common horsechestnut”	50'-75' height/ 40'-70' spread	ST; PL; B
<i>Alnus glutinosa</i>	“Common alder”	40'-60' height/ 20'-40' spread	ST; PL; B
<i>Carya illinoensis</i>	“Pecan”	70'-100' height/ 40'-50' spread	ST; PL; B
<i>Carya ovata</i>	“Shagbark hickory”	60'-80' height/ 40'-50' spread	ST; PL; B
<i>Castanea molissima</i>	“Chinese chestnut”	40'-60' height/ 40'-60' spread	ST; PL; B
<i>Celtis laevigata</i>	“Sugar hackberry”	45'-50' height/ 35'-40' spread	ST; PL; B
<i>Celtis occidentalis</i>	“Common hackberry”	40'-60' height/ 40'-60' spread	ST; PL; B
<i>Fagus grandiflora</i>	“American beech”	50'-70' height/ 40'-60' spread	ST; PL; B
<i>Fraxinus americana</i>	“White ash”	50'-80' height/ 50'-80' spread	ST; PL; B
<i>Fraxinus pennsylvanica</i>	“Green ash”	50'-60' height/ 25'-30' spread	ST; PL; B
<i>Ginkgo biloba</i>	“Maidenhair tree”	50'-80' height/ 30'-40' spread	ST; PL; B
<i>Gleditsia triacanthos</i> var. <i>inermis</i> *	“Thornless honeylocust”	30'-70' height/ 30'-70' spread	ST; PL; B
<i>Gymnocladus dioicus</i>	“Kentucky coffeetree”	60'-70' height/ 40'-50' spread	ST; PL; B
<i>Juglans nigra</i>	“Black walnut”	50'-70' height/ 50'-70' spread	PL; B
<i>Liquidambar styraciflua</i>	“American sweetgum”	60'-70' height/ 40'-50' spread	ST; B
<i>Liquidambar styraciflua</i> ‘rotundiloba’	“Fruitless sweetgum”	60'-70' height/ 40'-50' spread	ST; PL; B
<i>Liriodendron tulipifera</i>	“Tulip poplar”	70'-90' height/ 35'-50' spread	PL; B
<i>Metasequoia glyptostroboides</i>	“Dawn redwood”	70'-100' height/ 25'-40' spread	PL; B
<i>Nyssa sylvatica</i>	“Tupelo”	50'-70' height/ 30'-40' spread	ST; PL; B
<i>Pistachia chinensis</i>	“Chinese pistache”	30'-40' height/ 25'-35' spread	ST; PL; B

Canopy Trees: Deciduous			
Scientific Name	Common Name	Size	Permitted Use
<i>Phellodendron amurense</i> 'Macho'	"Amur corktree"	30'-45' height/ 30'-40' spread	ST; B
<i>Platanus x acerifolia</i>	"London planetree"	70'-100' height/ 50'-70' spread	ST; PL; B
<i>Platanus occidentalis</i>	"Sycamore"	75'-100' height/ 75'-100' spread	ST; PL; B
<i>Prunus sargentii</i>	"Sargent cherry"	40'-50' height/ 40'-50' spread	ST; PL; B
<i>Quercus acutissima</i>	"Sawtooth oak"	35'-45' height/ 30'-50' spread	ST; PL; B
<i>Quercus alba</i>	"White oak"	60'-100' height/ 50'-80' spread	ST; PL; B
<i>Quercus bicolor</i>	"Swamp white oak"	75'-80' height/ 60'-70' spread	ST; PL; B
<i>Quercus coccinea</i>	"Scarlet oak"	70'-75' height/ 40'-50' spread	ST; PL; B
<i>Quercus falcata</i>	"Spanish oak"	70'-80' height/ 50'-60' spread	ST; PL; B
<i>Quercus imbricaria</i>	"Shingle oak"	50'-60' height/ 50'-60' spread	ST; PL; B
<i>Quercus laurifolia</i>	"Laurel oak"	40'-60' height/ 30'-40' spread	ST; PL; B
<i>Quercus lyrata</i>	"Overcup oak"	35'-45' height/ 30'-40' spread	ST; B
<i>Quercus macrocarpa</i>	"Bur oak"	70'-80' height/ 70'-80' spread	ST; PL; B
<i>Quercus nigra</i>	"Water oak"	50'-80' height/ 40'-60' spread	ST; PL; B
<i>Quercus palustris</i>	"Pin oak"	60'-70' height/ 25'-40' spread	ST; PL; B
<i>Quercus phellos</i>	"Willow oak"	60'-80' height/ 30'-40' spread	ST; PL; B
<i>Quercus prinus</i>	"Chestnut oak"	60'-70' height/ 60'-70' spread	ST; PL; B
<i>Quercus rober</i>	"English oak"	40'-60' height/ 40'-60' spread	ST; PL; B
<i>Quercus rubra</i> 'maxima'	"Eastern Red oak"	50'-70' height/ 40'-50' spread	ST; PL; B
<i>Quercus shumardii</i>	"Shumard oak"	70'-75' height/ 40'-50' spread	ST; PL; B
<i>Robinia pseudoacacia</i>	"Black locust"	40'-50' height/ 20'-30' spread	ST; PL; B
<i>Salix alba</i>	"White willow"	75'-100' height/ 50'-100' spread	ST; B
<i>Salix babylonica</i>	"Weeping willow"	30'-40' height/ 30'-40' spread	ST; B
<i>Salix matsudana</i> 'Tortuosa'	"Corkscrew Hankow willow"	30'-50' height/ 30'-40' spread	B
<i>Sassafras albidum</i>	"Sassafras"	30'-60' height/ 25'-40' spread	B
<i>Sophora japonica</i>	"Japanese pagoda tree"	40'-70' height/ 30'-50' spread	ST; PL; B
<i>Taxodium distichum</i>	"Baldcypress"	50'-100' height/ 20'-30' spread	ST; PL; B

Canopy Trees: Deciduous			
Scientific Name	Common Name	Size	Permitted Use
<i>Tilia americana</i>	“American linden”	60'-80' height/ 30'-50' spread	ST; PL; B
<i>Tilia cordata</i>	“Littleleaf linden”	60'-70' height/ 30'-50' spread	ST; PL; B
<i>Tilia tomentosa</i>	“Silver linden”	50'-70' height/ 30'-50' spread	ST; PL; B
<i>Ulmus alata</i> *	“Winged elm”	30'-40' height/ 30'-40' spread	B
<i>Ulmus carpinifolia</i> ‘Urban Elm’*	“Urban Elm”	50'-70' height/ 30'-50' spread	ST; PL; B
<i>Ulmus parvifolia</i> *	“Chinese Elm”	40'-60' height/ 30'-40' spread	ST; PL; B
<i>Zelkova serrata</i>	“Japanese zelkova”	50'-80' height/ 50'-80' spread	ST; PL; B

Understory Trees: Evergreen			
Scientific Name	Common Name	Size	Permitted Use
<i>Ilex x attenuata</i> ‘East Palatka’	“East Palatka holly”	15'-30' height/ 10'-15' spread	B
<i>Ilex x attenuata</i> ‘Fosteri’	“Foster’s holly”	15'-30' height/ 10'-20' spread	ST; B
<i>Ilex x attenuata</i> ‘Savannah’	“Savannah holly”	15'-30' height/ 10'-20' spread	ST; B
<i>Ilex opaca</i>	“American holly”	15'-30' height/ 10'-20' spread	ST; B
<i>Ilex vomitoria</i> *	“Yaupon holly”	10'-25' height/ 6'-15' spread	ST; B
<i>Pinus nigra</i>	“Austrian pine”	20'-35' height/ 12'-20' spread	B
<i>Prunus caroliniana</i>	“Cherry laurel”	20'-30' height/ 15'-20' spread	ST; B
<i>Quercus acuta</i>	“Japanese evergreen oak”	20'-30' height/ 15'-20' spread	ST; B
<i>Quercus glauca</i>	“Ring-cupped oak”	20'-35' height/ 10'-20' spread	ST; B

Understory Trees: Deciduous			
Scientific Name	Common Name	Size	Permitted Use
<i>Acer burgeranum</i>	“Trident maple”	25'-35' height/ 20'-30' spread	ST
<i>Acer campastre</i>	“Hedge maple”	25'-40' height/ 30'-40' spread	ST; B
<i>Acer ginnala</i>	“Amur maple”	15'-20' height/ 18'-20' spread	ST
<i>Acer griseum</i>	“Paperbark maple”	20'-30' height/ 15'-20' spread	ST
<i>Acer leucoderme</i>	“Chalkbark maple”	20'-30' height/ 20'-25' spread	ST
<i>Acer nikoense</i>	“Nikko maple”	20'-25' height/ 20'-25' spread	ST
<i>Acer palmatum</i>	“Japanese maple”	15'-20' height/ 10'-15' spread	ST
<i>Acer tataricum</i>	“Tataricum maple”	15'-20' height/ 10'-15' spread	ST
<i>Acer tegmentosum</i>	“Manchustriped maple”	25'-35' height/ 20'-25' spread	ST
<i>Acer truncatum</i>	“Purpleblow maple”	20'-25' height/ 15'-20' spread	ST
<i>Aesculus glabra</i>	“Ohio buckeye”	20'-30' height/ 20'-35' spread	ST
<i>Albizia julibrissin</i>	“Mimosa”	20'-30' height/ 25'-35' spread	B
<i>Amelachier arborea</i>	“Serviceberry”	10'-25' height/ 8'-15' spread	ST
<i>Betula nigra</i>	“River birch”	20'-40' height/ 15'-20' spread	ST
<i>Betula pendula</i>	“European white birch”	20'-40' height/ 8'-16' spread	ST; B
<i>Carpinus caroliniana</i>	“Ironwood”	20'-30' height/ 15'-20' spread	ST; B
<i>Cercis canadensis</i>	“Eastern redbud”	20'-30' height/ 12'-20' spread	ST; B
<i>Chionanthus virginicus</i>	“Fringetree”	10'-15' height/ 8'-12' spread	ST
<i>Cornus kousa*</i>	“Chinese dogwood”	10'-15' height/ 10' spread	ST
<i>Cotinus coggygria</i>	“Smoketree”	10'-15' height/ 10'-15' spread	ST; B
<i>Crataegus phaenopyrum</i>	“Washington Hawthorn”	25'-30' height/ 20'-25' spread	ST; B
<i>Elaeagnus angustifolia</i>	“Russian olive”	15'-20' height/ 20'-30' spread	ST
<i>Franklinia alatamaha</i>	“Franklinia”	20'-30' height/ 15'-18' spread	ST
<i>Halesia carolina</i>	“Carolina silverbell”	20'-40' height/ 20'-25' spread	ST
<i>Hamamelis mollis</i>	“Chinese witch-hazel”	15'-20' height/ 8'-10' height	ST; B
<i>Koelreuteria paniculata</i>	“Golden Raintree”	20'-30' height/ 15'-20' spread	ST; B
<i>Laburnum anagyroides</i>	“Chaintree”	20'-30' height/ 10'-15' spread	ST
<i>Magnolia macrophylla</i>	“Bigleaf magnolia”	30'-40' height/ 20'-25' spread	ST

Understory Trees: Deciduous			
Scientific Name	Common Name	Size	Permitted Use
Magnolia x soulangiana	"Saucer magnolia"	15'x25' height/15'-25' spread	ST; B
Magnolia tripetala	"Umbrella magnolia"	20'-30' height/ 20'-25' spread	ST; B
Malus hybrida	"Flowering crabapple"	15'-25' height/ 10'-20' spread	ST
Morus albs	"Mulberry"	30'-35' height/ 25'-30' spread	ST
Oxydendrum arboreum	"Sourwood"	20'-30' height/ 10'-15' spread	ST; B
Pistacia chinensis	"Chinese pistache"	25'-40' height/ 25'-35' spread	ST; B
Prunus x 'Blireiana'	"Bliriana plum"	15'-20' height/ 10'-20' spread	ST
Prunus cerasifera 'Atropurpurea'	"Purpleleaf plum"	15'-20' height/ 10'-15' spread	ST; B
Prunus mume	"Flowering apricot"	15'-20' height/ 10'-15' spread	ST
Prunus x 'Newport'	"Newport plum"	15'-20' height/ 20'-25' spread	ST
Prunus sargentii	"Sargent's cherry"	20'-25' height/ 15'-20' spread	ST
Prunus serrulata 'Kwanzan'	"Kwanzan cherry"	15'-20' height/ 15'-20' spread	ST
Prunus virginiana	"Chokecherry"	20'-30' height/ 15'-20' spread	ST
Prunus yedoensis	"Yoshino cherry"	20'-40' height/ 20'-30' spread	ST
Sassifras albidum	"Sassifras"	25'-40' height/20'-25' spread	ST
Sorbus aucuparia	"Mountain ash"	25'-30' height/ 20'-25' spread	ST
Syringa reticulata	"Japanese tree lilac"	25'-30' height/ 20'-25' spread	ST
Quercus lyrata	"Overcup oak"	25'-45' height/ 25'-45' spread	ST
Ulmus parvifolia	"Chinese elm"	30'-40' height/ 25'-30' spread	ST

Section 7. Accessory Apartments

A. Apartment Size

Minimum size: 320 square feet

Maximum size: 25% size of principal dwelling.

B. Number of Accessory Apartments

One (1) accessory apartment is permitted per lot.

C. Location of Apartment

The apartment may be located within the principal residence or in a building detached from the primary residence, such as a garage apartment, pool house, or guest house. Such a detached building must be located in the side or rear yard.

D. Outside Entrance

If located within the principal dwelling, the apartment may have a private outside entrance, but such an entrance shall be located along the side or rear of the principal dwelling.

E. Apartment Features

The apartment must contain complete kitchen facilities including a stove or cook top and a full bath including lavatory, water closet, and tub or shower (or combination).

F. Signs

No signs visible from the street or public sidewalk are permitted.

G. Parking

One (1) off-street parking space shall be provided in addition to those required for the principal dwelling.

H. Manufactured Homes

No manufactured home may be used in an accessory apartment even if the principal building is one.

Section 8. Standards for Manufactured Homes

All manufactured HUD homes and offices, whether used for residential or business purposes and whether placed in a manufactured home park or on an individual lot of record, shall meet the following requirements:

- A. Each manufactured home stand and space shall be graded to provide adequate storm drainage away from the structure and such that there will exist no more than three (3) feet difference between the chassis of the home or office and the finished grade of the stand along the entire perimeter of the home or office proper.
- B. The manufactured home or office is set up in accordance to the standards set by the North Carolina Department of Insurance in the current edition of the North Carolina Regulations for Manufactured Homes, including, but not limited to, all footings, supporting piers, anchors, and tie downs.
- C. The tongue, moving hitch, wheels, axles, and transporting lights are all removed.
- D. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home are installed in accordance with the requirements of the North Carolina State Building Code, attached firmly to the primary structure, and anchored securely to the ground.
- E. Other than those within the manufactured home or office itself, all installations of plumbing and electrical wiring and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating, and gas regulations of the North Carolina State Building Code.
- F. Double-wides: A continuous permanent masonry foundation, unpierced except for required ventilation and access, shall be installed around the entire perimeter of the home or office. If the masonry foundation is not brick, stone, or decorative concrete block it shall be parged (coated with a mortar-like finish) on the visible side. Class A Manufactured Homes have additional requirements, as described in the definition section of this ordinance.
- G. Single-wides: Each single-wide manufactured home or office shall be installed with skirting provided by the manufacturer specifically for such use, unpierced except for required ventilation and access, around the entire perimeter of the home or office. Skirting shall be made of a material compatible with the siding of the home or office.
- H. Empty liquefied petroleum gas containers and other objects and materials not approved by the Wake Forest Fire Department shall not be stored under manufactured homes or offices.
- I. Single-wide manufactured HUD homes shall be placed only in manufactured home parks.

Section 9. Appearance Standards

A. Purpose and Intent

The purpose of establishing supplementary requirements for development is to ensure that the physical characteristics of proposed development are compatible when considered within the context of the surrounding areas and to preserve the unique visual character and streetscapes of Wake Forest. These requirements strike a balance between creativity and innovation on one hand while avoiding obtrusive, incongruous structures on the other. Wake Forest strongly encourages architectural styles that build upon and promote the existing historic character of the town and supports the view that inspiring, well-maintained, and harmonious development is in the best economic development interests of all residents and businesses.

B. Applicability

The standards described or referenced in this section shall apply to all non-residential development, including renovations, remodelings, face lifts, repainting, and additions to existing structures within the zoning jurisdiction of the Town of Wake Forest. All such projects shall require that a Development Permit be obtained from the Planning and Inspections Office prior to beginning the project. These standards are provided for three geographic areas with requirements that are cumulative, thus requiring developments and businesses in the center of town to meet requirements in addition to those in outlying areas.

C. General Compatibility Requirement

All development subject to this section shall be compatible with the established architectural character of the Town by using a design that is complementary to existing Town architectural styles, designs, and forms. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and the use of building materials that have color, shades, and textures similar to those existing in the immediate area of the proposed development.

D. Modification of Standards

The Planning Director or his designee may make modifications to the following standards upon the written request of the applicant if the standard(s) in question conflicts with other requirements by law, as long as the proposal is in compliance with the Purpose and Intent of these standards and General Compatibility requirements given above. If the applicant and Planning Director or his designee cannot come to an agreement the proposal shall be submitted to the Planning Board for recommendation at the next available agenda and to the Board of Commissioners for final decision.

E. Conflicting Requirements

Where these requirements conflict with each other or with any requirement of the Zoning Ordinance, Subdivision Regulations, Wake Forest Historic District Design Guidelines, or standards given in the US-1 Corridor Plan, 98 Bypass Corridor Plan, Renaissance Plan or Design Guidelines for Development in Downtown Wake Forest, North Carolina, the stricter, more visually compatible or more appropriate standards shall apply as determined by the Planning Director. Any modifications necessary shall be made with the approval of the Planning Director or his designee.

F. Overall Design and Appearance Standards – (Everywhere)

1. Applicability

All non-residential development within the zoning jurisdiction of the Town of Wake Forest shall meet these overall design and appearance standards.

2. Basic Building Design

Scale: Building design shall emphasize a human scale at ground level, at entryways, and along street frontages through the creative use of such features as windows, doors, columns, canopies, arcades, and awnings.

Avoiding Monotony: Monotony of design in single or multiple building projects shall be avoided by varying detail, form and siting to the maximum extent practicable, within the standards set forth in these requirements.

Unify Individual Storefronts: If several storefronts are located in one building, the individual storefronts shall be unified in all exterior design elements, such as mass, window and door placement, color, materials, and signage while, at the same time, varying the look and providing distinctiveness from storefront to storefront.

3. Architectural Features

Roofs: Roof lines shall be varied to reduce the scale of structures and add visual interest.

Facades: All facades, including front and side facades and all rear facades that are visible from any public roadway or sidewalk or from private property, that are greater than one hundred (100) feet in length, measured horizontally, shall be interrupted by recesses, projections, windows, awnings, and/or arcades and shall utilize a repeating pattern of change in color, texture, and material modules.

All facades clearly visible from public streets or adjoining properties shall contribute to the pleasing scale of features of the building and feature characteristics similar to the front facade.

Entryways: Each principal building on a site shall have one or more clearly defined, highly visible customer entrances featuring one or more of the following: canopies or porticos, arcades, arches, wing walls, and/or planters.

Materials: Predominant exterior building materials shall be high quality materials, including brick, stucco, wood, stone, and tinted/textured decorative concrete masonry units, or other materials similar in appearance and durability. Under no circumstances shall unfinished concrete block be permitted.

Colors: Colors used for exterior surfaces shall be harmonious with surrounding development and shall visually reflect the traditional concept of the town. Color shades shall be used to facilitate blending into the neighborhood. Facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors as an accent material. The use of high-intensity or metallic colors is not allowed except for accent purposes. The use of fluorescent, day glow, or neon colors shall be prohibited as a predominate wall color. Variations in color schemes are encouraged in order to articulate entryways and public amenities so as to give greater recognition to these features. Color samples shall be provided to the staff at the time of site plan review and prior to any renovations, remodelings, facelifts, and repainting, along with a description of how and where each color will be used. Colored renderings are encouraged, but shall not be a substitute for this requirement.

4. Parking Lots

To prevent huge expanses of asphalt separating non-residential buildings from streets, parking will be separated into sections separated by landscaping and other features. Larger parking areas shall be split into sections on different sides of the building or enclosed in an interior space between buildings so as not to be easily visible from the street in order to emphasize the building and de-emphasize the parking lot.

5. Trash Containment Areas

All trash containment devices, including compactors and dumpsters, shall be located and designed so as not to be visible from the view of nearby streets and properties. If the device is not visible from off the site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the trash containment area, existing site conditions, and the type and amount of existing and proposed vegetation on the site.

6. Mechanical and Utility Equipment

Mechanical and utility equipment shall be screened from view from nearby streets and properties in the same manner as trash containment areas. Ground mounted equipment shall be located in the rear or side yard and screened. Such equipment located on the roof

of the building shall also be made invisible from nearby streets and properties, through the use of setbacks from the edge of the roof or through the use of a screen exceeding the height of the equipment and using building materials and design which are compatible with those used for the exterior of the building. If the equipment is not visible from off the site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the equipment, existing site conditions, and the type and amount of existing and proposed vegetation on the site.

7. Streetscape Protection

Any damage to the existing streetscape design, including street trees, by development, use, or condition of private property shall be corrected by the property owner at the owner's expense to the satisfaction of the Town of Wake Forest prior to the issuance of a Certificate of Occupancy. Any damage not corrected by the owner shall be corrected by the Town, the cost of which is to be billed to the owner, including town administrative costs. For the purposes of this section, streetscape shall be defined to include any public improvement adjacent to private property regardless of whether or not it is a public street or part of any adopted plan or town project.

8. Sidewalks

Sidewalks meeting town standards shall be constructed to facilitate movement of pedestrians within the site and connect to the town sidewalk system.

9. Cultural Resources

Cultural Resources are shown on the Land Planning Resources Map for the Wake Forest Land Use Management Plan, adopted on May 14, 1987, updated on September 16, 1997. Site development shall be considered in light of impacts on the cultural resources of the Town of Wake Forest. Cultural resources include historic properties, points of high elevation, significant sites, silos and mature exceptional trees. Impacts on cultural resources shall be minimized by use of design, height, massing, scale, building orientation, site layout, visual (e.g. preservation of the view to the Binkley Chapel steeple) and other development techniques to harmoniously integrate new development into the Town while preserving and using cultural resources.

10. Accent Light Strips

Lighting strips are not architectural design features and may only be approved in limited applications to highlight material architectural elements.

- a. Only one light strip is allowed per elevation.
- b. Light strips shall only be approved as an accent to a horizontal architectural feature.
- c. Light strips shall not be applied in vertical bands.
- d. Light strips may not span architectural features.

- e. Light strips shall not be used on canopy structures.
- f. Light strips may only be installed in translucent soffits or “C” channels when they are designed to blend in with the architectural feature being highlighted. For example, a stone colored “C” channel could be situated beneath a stone look cornice in a manner which extends the cornice as viewed by day, while encasing a light strip that would illuminate white or colored light when viewed in the evening.
- g. Opaque soffits or “C” channels providing only backlight conditions shall be required when accent colors are used to house the light strip.
- h. The soffits or “C” channel shall be rigid so as not to sag over the run.
- i. The light source shall not be visible.
- j. Neon and other gas tubing are not allowed.

G. Town Center Area

1. Applicability

All non-residential development within a modified version of the area designated as the “Town Center” by the Wake Forest Land Use Management Plan shall meet these standards, in addition to those described in Overall Design and Appearance Standards, because this area is contained within the jurisdiction of the Town of Wake Forest throughout which the Overall Design and Appearance Standards apply.

The Town Center area is described as bounded on the northeast by the proposed Northside Loop south to NC-98, east to Smith Creek, following Smith Creek south to Rogers Road, west on Rogers Road to South Main Street (US-1A), south on South Main Street (US-1A) to the proposed Ligon Mill Road extension, north past the proposed NC-98 By-pass to Richland Creek, north along Richland Creek to West Oak Avenue, west on West Oak Avenue to Harris Road, and east on Harris Road to the Northside Loop.

2. Basic Building Design

Massing: A single, large, dominant building mass shall be avoided. Where large structures are required, mass shall be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques.

Varying Architectural Styles: In developments with multiple structures of varying architectural styles, buildings shall be compatible by such means as a pattern of architectural features, similar scale and proportions, and consistent location of signage.

Additions and Renovations: Building additions and facade renovations shall be designed to reflect existing buildings in scale, materials, window treatment, and color. A change in scale may require a transitional design element between the new development and existing buildings.

Infill Development: New infill development shall either be similar in size and height or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures on the same and adjoining blocks.

3. Architectural Features

Roofs: Roof lines, type (such as flat, hip, mansard, or gable), and materials shall be architecturally compatible with facade elements and the rest of the building and with other buildings on the same and adjoining blocks.

Fenestration: Windows, entryways, awnings, and arcades shall total at least sixty percent (60%) of the facade length abutting a public street. Windows and glass doors shall be clear, transparent glass. No window or door shall be horizontally separated by more than fifteen (15) feet from the nearest other window or door in the same facade visible from any public street.

Materials: Building materials shall either be similar to the materials already being used in the neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color, and texture, shall be utilized to ensure that enough similarity exists for the building to be compatible, despite the differences in materials.

Exterior Wall Cladding: During renovations in existing buildings brick, stone, or wood facades shall not be covered or replaced with artificial siding or panels, including decorative concrete masonry units. Fiber cement siding, such as the brand name “Hardiplank”, may be used to replace wood clapboard siding.

Awnings and Canopies: When used, awnings and canopies shall be placed at the top of window or doorway openings and shall relate to the shape of the top of the window. Awnings shall be made of canvas, treated canvas, or similar material. Metal or vinyl (or plastic) awnings are prohibited. No awning shall extend more than the width of the sidewalk or nine (9) feet, whichever is less. Awnings must be self-supporting from the wall. No supports shall rest on or interfere with the use of pedestrian walkways or streets. In no case shall any awning extend beyond the street curb or interfere with street trees or public utilities.

Canopies shall be of solid materials and complement the color of the building to which they are affixed or associated. In some cases canopies may have supports separate from the building, such as at gas stations, but such canopies must be setback from the property and right-of-way lines a minimum of the required setback of accessory buildings, as required in the zoning district where located, and must not interfere with street trees or public utilities.

H. Renaissance Area Districts

1. Administration

a. Applicability

All development within Renaissance Area Districts, as defined in the Renaissance Plan, shall meet the standards as described in the Renaissance Plan, in addition to those described in Overall Design and Appearance Standards and Town Center Area, as appropriate, given above and any applicable highway corridor plans.

b. Purpose and Intent

The purpose of these Design Guidelines is to enact regulations that implement the vision and goals of The Renaissance Plan for the heart of Wake Forest.

These Design Guidelines are intended to attach the same or greater level of importance to the overall building and site design as is placed on the use contained within to facilitate the creation of a convenient, safe, and attractive community. Buildings are expected to be added to Downtown Wake Forest as long-term additions to the architectural vibrancy of the community for the purpose of encouraging economic development activities that enlarge the tax base by providing desirable residences and places of shopping, employment and public assembly.

These Design Guidelines encourage the placement of buildings closer to each other as well as closer to the street where pedestrian activity is expected to occur. As the sidewalks remain the principal place of pedestrian movement and casual social interaction, designs and uses should be complementary of that function. This encourages pedestrian activity by providing an attractive destination and an interesting journey thereby reducing congestion and improving the overall quality of life in the Town of Wake Forest.

c. Modification of Standards

The Planning Director or his designee may make modifications to the standards found in this Urban Code upon the written request of the applicant if the standard(s) in question conflicts with other requirements by law, as long as the proposal is in compliance with the Purpose and Intent of these standards given above. If the applicant and Planning Director or his designee cannot come to an agreement, the proposal shall be submitted to the Planning Board for recommendation on the next available agenda and to the Board of Commissioners for final decision.

2. Streetscape Design

Street designs in the Downtown should permit the comfortable use of the street by cars, bicyclists, and pedestrians. Pavement widths, design speeds, and the number of vehicle lanes should be minimized without compromising safety. The specific design of any

given street must consider the building which fronts on the street and the relationship of the street to the Town's street network. New streets shall be required to be compatible with the Pedestrian and Bike plans, when complete. As preexisting streets are upgraded they shall be made compatible, to the extent practical, with the Pedestrian and Bike plans, when complete.

- a. **Connectivity:** Streets shall interconnect within a development and with adjoining development. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets shall be planned with due regard to the designated corridors shown on the Renaissance Plan.

b. Streetscape Design

All new development or expansions to existing development shall be required to upgrade their street frontage in accordance with the following standards:

	Historic Core	Urban Center	Campus
On-Street Parking	Parallel or Diagonal	Parallel or Diagonal	Parallel or Diagonal
Curb Return Radii (maximum)	15 feet	20 feet	20 feet
Curbs and Drainage	Standard Curb Closed Drainage	Standard Curb Closed Drainage	Standard Curb Open/Closed Drainage
Tree Spacing (minimum of 1)	50 feet Average	40 feet Average	40 feet minimum
Planting Strip Type	Planting Wells	Wells or a Continuous Strip	Continuous Strip
Minimum Planting Strip Width	n/a	6 feet	8 feet
Sidewalk Width (minimum)	10 feet	12 ft – Retail 8 ft – Office 5 ft – Residential	5 feet

c. General Provisions

- 1) **On-Street Parking:**
On-street parking provided shall be parallel. Angle parking is permitted in front of high traffic retail locations and where the posted traffic speed is 20 mph or less and/or on one-way streets.
- 2) **Curb-Return Radii:**
Curb radii shall be designed to reduce pedestrian crossing times along all streets requiring sidewalks. In general, curb radii should not exceed 20 ft.
- 3) **Curbs and Drainage:**
Curbs shall be constructed in accordance with town standards. Standard curbing is required along all streets with on-street parking and around all required landscaping areas and parking lots. Mountable curbing is permitted around center medians, roundabouts, and other features in order to facilitate the

infrequent use by vehicles with larger turning radii. Drainage shall be provided using curb and gutter piped systems along all streets. All drainage grates, if provided, must be safe for bicyclists (grating must be perpendicular or diagonal to the street centerline).

4) **Traffic Calming:**

The use of traffic calming devices such as landscaping bulb-outs and roundabouts are encouraged as alternatives to conventional traffic control measures.

5) **Street Trees/Planting Strips:**

Landscaping, including street trees and planting strips, shall meet town standards. Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets shall have trees which compliment the face of the buildings and which shade the sidewalk. They should therefore be planted at property lines or at side property lines along the frontage.

In the RA-Campus, streets should have an appropriate canopy which shades both the street and sidewalk, and serves as a visual buffer between the street and the building.

6) **Sidewalks:**

Sidewalks serving mixed use and commercial areas should be a minimum of 12-15 feet in front of retail uses. (See Table 2.b. above)

7) **Outdoor Seating:**

Where uses such as outdoor seating for cafés and restaurants use the public sidewalk, there shall be a minimum of 4 feet of clearance for adequate passing distance by pedestrians.

3. Urban Open Space Standards:

- a. Significant stands of trees, streambed areas, and other valuable topographic features shall be preserved within the required open space areas unless technically infeasible. Areas noted on The Renaissance Plan as open space should be preserved and dedicated unless technically infeasible and may be left unimproved in accordance with the Plan.
- b. Required public open space shall be separately deeded to either a homeowner's association, a non-profit land trust or conservancy, the Town of Wake Forest, or otherwise permanently protected through deed restriction.
- c. **Location:** The design and location of public open space on a site is perhaps the most important determinant in a successful pedestrian environment. To ensure that public open space is well-used, it is essential to locate and design it carefully.

- Public open space should be fronted by streets and buildings to encourage their use and patrol their safety.
 - The space should be located where it is visible and easily accessible from homes and public areas (building entrances, streets, sidewalks).
 - Take views and sun exposure into account in design and location.
 - The space should be well-buffered from moving cars so that users can enjoy and relax in the space.
 - The space may be visible from streets or internal drives but should not be wholly exposed to them.
 - Partially enclose the space with building walls, freestanding walls, landscaping, raised planters, or on-street parking to help buffer it and create a comfortable "outdoor room".
- d. Public Seating:** Publicly accessible places to sit in the public realm are important not only as basic amenities, but also in sponsoring casual social interaction. Seating can be both formal and informal, including both park benches on the tops of garden walls or monumental stairs at the entrance to public buildings. Planter walls should be set at a maximum height of 2½ feet to allow for their use as seating. Moveable chairs and sidewalk cafes are strongly encouraged. Allow accessible surface spaces for strollers, wheelchairs, etc. adjacent to seating and out of the main pedestrian traffic flow.
- e. Minimum Amenities:**
- 1 tree (2 ½ inch caliper minimum at installation) for every 1,000 square feet of provided open space to be planted in at least 350 square feet of soil.
 - A minimum of 25 linear feet of seating should be provided for every 1,000 square feet of urban open space. Seating should be more than 12 inches and less than 30 inches in height and not less than 16 inches in depth. Seating more than 28 inches in depth and accessible from two sides should count double. Moveable chairs are encouraged and each count as 2 ½ linear feet of suggested seating.
 - At least half of the open space should be at street level.
 - Playground equipment, statues, and fountains, if provided, should be located toward the interior of squares and parks.
 - One water tap for each 5,000 square feet of each landscaped open space.
 - One garbage receptacle for each 5,000 square feet of each physically separated open space, or a minimum of one, meeting town standards.
- f. Public Art:** Property owners are encouraged to provide outdoor public art on their property or in the adjacent public right-of-way, to enrich the pedestrian experience and create a stronger sense of place.

Murals displayed by a private business or property owner may be considered. If provided, the mural should be placed on a removable panel and not directly onto the building surface. Such murals may be considered to be signage and count toward the allowable wall sign area.

4. Site Design

A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets lined by buildings rather than

parking lots are more interesting to move along, especially for pedestrians and provide a safer environment.

a. Building Placement

1) Building Frontage:

All buildings shall share a frontage line with a street or public open space. Buildings should be located close to the pedestrian street (generally within 25 feet of the curb), with off-street parking behind and/or beside buildings.

2) Corner lots:

If the building is located at a street intersection, place the main building, or part of the building, at the corner. Parking, loading or service should not be located at an intersection.

3) Viewshed Protection:

Important vistas and views of the Southeastern Baptist Theological Seminary's church steeple shall be protected and accentuated to the extent practical.

4) Street Vistas:

Important street vistas (such as along Town gateways and primary pedestrian streets) should terminate in a focal point, such as a building or other architectural or landscaped feature.

5) Setbacks:

Front and side setbacks shall be consistent with those of surrounding buildings. An outdoor "room" may be placed between the building and sidewalk where the building serves as the termination of a pedestrian street, necessitating a larger setback. This type of outdoor "room" serves to open the business to the street and pedestrians and should be accessed from the public sidewalk to be used for customers, (e.g. sidewalk café) or for general public seating (e.g. courtyard). The Renaissance Area Plan has identified the termination of Wait Avenue, Jones Avenue, and East Owen Avenue for such opportunities.

b. Infill Lots

1) Infill Compatibility:

Unless otherwise specified in The Renaissance Plan, buildings on infill lots shall generally be setback a distance in context with surrounding buildings of the proposed development on the same side of the street. Adjacent buildings shall relate in similarity of scale, height, architectural style, and configuration. Transitions to dissimilar building types (i.e. Detached House to Commercial Buildings) should generally occur at the rear lane/alley, rear property line, or in the next block.

2) Adjacent Lots:

For similarly zoned properties, try to match the grade of abutting properties where the properties meet. If there is a significant grade difference, create an attractive transition, using creative grading and landscaping or a decorative retaining wall. Be sure to incorporate vehicular and pedestrian cross-access. Avoid using a blank or unscreened concrete retaining wall or a rock-covered slope.

c. Parking and Circulation

Parking in the Renaissance Area Districts shall be provided consistent with Article VII. Off-Street Parking and Loading, except as modified in this section.

1) Minimum Parking Ratios

	Historic Core RA-HC	Urban Center RA-UC	Campus RA-C
Parking Requirements (Minimum)*			
Residential	None	1 space per unit	1 space per unit
Lodging	None	1 space per room	1 space per room
All other uses	None	1 per 300 square feet	1 per 300 square feet

All square footage is in leasable square feet. Parking requirements may be satisfied using on-street parking in front of buildings or public lots within 300 ft of primary building entrances. Exceeding the minimum parking must be justified with parking studies and standards.

** The Town may approve a payment in lieu of parking or missing spaces in a lot.*

2) Shared Parking Standards:

The joint use of shared off-street parking between two uses may be made by contract between two or more adjacent property owners. Adjacent lots shall be interconnected where practical.

Developments that operate at different times may jointly use or share the same parking spaces with a maximum of one-half (½) of the parking spaces credited to both uses if one use is a church, theater, assembly hall or other use whose peak hours of attendance will be at night or on Sundays, and the other use or uses are ones that will be closed at night or on Sundays or upon the normal hours of operation.

3) Location of Parking Areas:

- Parking lots shall be located to the side or behind buildings or in the interior of a block. Parking areas in the side yards shall be located a minimum of 10 feet behind the frontage line of the building.
 - Pedestrian and vehicular access from a public street to a parking area at the interior of the block shall be no further apart than a maximum of 400 feet.
 - All off-street parking spaces for multi-family buildings shall be in the rear yard only and access to any garages shall be from the rear.
- 4) **Connectivity:** Adjacent lots should be interconnected except in the case of existing steep topography between the sites.
 - 5) **Parking Area Screening:** All parking areas visible from the right-of-way should be screened from view. Parking areas located in the side yard shall have the portion of the lot that fronts the street screened up to a height of 4 feet using shrubs, brick walls (using brick that matches the adjacent building), wrought iron fencing, stone, cultured stone, or any combination thereof. For public safety, if a fence or wall screening a parking lot is over 4 feet in height that portion above 4 feet shall be pierced for visibility to the interior. If landscaping is used, the minimum planting area width should not be less than 4 feet.
 - 6) **Loading and Unloading Spaces:** Any use with a private parking lot will provide space for loading and unloading, meeting town standards. Where an alley is constructed loading areas shall be provided in the alley for rear access to the business. Where there is no alley and no private parking lot one parking space shall be designated for loading on each side of the street per block, if considered feasible by the town planning department, unless the town adopts a delivery time restriction for on-street loading.
 - 7) **Parking Space Dimensions:** Parking space dimensions shall meet current town standards.
 - 8) **Parking Area Landscaping:**
 - a) Maximum Distance from a Parking Space to a Shade Tree Trunk: The spacing of shade trees shall meet town standards.
 - b) Required Plantings: 1 Shade Tree per 10 spaces to be located in interior parking lot islands.
 - 9) **Parking Structures**
 - a) The ground-level of a parking structure should be wrapped by retail, office or some other active use along at least the primary façade. All levels of a structured parking facility shall be designed and screened in such a way as to minimize visibility of parked cars.
 - b) Along pedestrian-oriented streets, parking structure facades shall be treated with high quality materials and given vertical articulation and emphasis

compatible to the principal structure. The façade shall be designed to visually screen cars. In no instance will rails or cabling alone be sufficient to meet this screening requirement.

- c) Pedestrian entries shall be clearly visible.
- d) In addition to the above requirements, in the event that any openings for ventilation, service, or emergency access are located at the first floor level in the building façade, then they shall be an integral part of the overall building design.

d. Pedestrian and Bicycle Amenities

- 1) **Pedestrian and Bicycle Network:** Provide a complete network of pedestrian and bicycle paths that interconnect building entrances, parking, transit stops, public sidewalks and crossings, adjacent properties, adjoining off-street paths, and other key destinations on or adjacent to the site. Avoid steps; provide curb ramps to accommodate wheelchairs, bicyclists, and baby strollers. If no immediate benefit can be derived from the pedestrian link, maintain the potential at-grade link and provide a construction easement to the adjoining property.
- 2) **Pedestrian Pathways:** Pedestrian pathways should be provided from the street to the parking area between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. To aid pedestrian navigation and comfort, provide the following elements along paths:
 - a) Landscaping, such as rows of trees and shrubs, flower beds, and planters
 - b) Pedestrian scaled lighting, such as lighted bollards
 - c) Small, color-coded way-finding signs, or a directory
 - d) Vertical architectural elements, such as markers or arches
 - e) Seating and resting spots
 - f) Special paving
- 3) **Crosswalks:**

Whenever pathways cross internal drives, curb cuts, and streets, provide a highly-visible crosswalk, made of a material that provides strong contrast with the vehicular surface (e.g. concrete in asphalt, unit pavers in concrete). Crosswalk stripes are acceptable, but require frequent repainting. Consider elevating the crosswalk to the level of the connecting walk. Also use standard warning signs and light fixtures (per the Manual of Traffic Control Devices) to alert drivers to crossings.
- 4) **Bicycle Parking:**

Wherever auto parking is provided bicycle parking will also be provided, meeting town standards, with a minimum capacity of one bicycle. Inverted U or "Cora"-type racks are suggested though others of similar durability and ease of use may be approved. Bike racks should be located close to the main building

entrance(s) so they are highly visible and convenient. To facilitate access, install a curb ramp in any drive near the bike parking.

e. Supplemental Landscaping

The appropriate use of existing and supplemental landscaping fosters unity of design for new development and blends new development with the natural landscape. Quality landscaping is an essential component of the built form of the Town.

The corners of street intersections, particularly gateways and site entries (entries from both street and sidewalk) should be distinguished by special landscape treatments: flower displays, specimen trees and shrubs, accent rocks, low walls, signage, decorative lighting, sculpture, architectural elements, and/or special paving. Features for vehicular entry points must meet the Town's sight triangle requirements.

f. Lighting

Decorative lighting should be provided as a means of providing a safe and visible pedestrian realm as well as establishing a theme or character for a street. The use of decorative light fixtures along with a coordinated signage and banner program create a lively pedestrian environment.

1) Public and Private Sectors

- Use a low intensity of high-quality light placed close together, which will provide good, uniform visibility while avoiding light pollution.
- Use decorative bases, posts, luminaires, and bollards in lieu of standard wood poles.
- Architectural accent lighting shall be white in color and be used to highlight architectural features without the lighting, itself, becoming a feature.

2) Public Sector

- a) A lighting program should consider the illumination of sidewalks and other multi-use pathways using low intensity, closely spaced, fixtures that provide an even distribution of light while avoiding areas of intense shadows.
- b) To consolidate the number of fixtures placed within the right-of-way, consider the co-location of light fixtures along with other streetscape elements on single poles (i.e. street lighting, pedestrian lighting, and banners).

3) Private Sector

- a) A substantial amount of supplementary lighting for pedestrians shall be provided from the storefronts using either indirect illumination from within the building or direct illumination under canopies or awnings.

- b) Exterior lights on all sides of buildings will have partial or full cutoff, meeting town standards.
- c) Private parking lots shall be lighted with fixtures with a full 90 degree cutoff, meeting town standards.
- d) Architectural lighting shall be subject to design review the same as other exterior lighting.
- e) Lighting strips may only be approved in limited applications to highlight material architectural elements in accordance with Town standards.

g. Utilities and Trash Containment

1) Underground Wiring:

To reduce the visual impact of overhead wiring, utility services shall be located underground with periodic stub-ups.

2) Trash Containment Areas:

All trash containment devices, including grease containers, compactors, and dumpsters, shall meet town standards and be located and designed so as not to be visible from the view of nearby streets and properties. Chain link fences are not permitted. Screening materials shall consist of brick, stone, cultured stone, split face CMU or evergreen vegetation plus concrete bollards. If the device is not visible from off the site, then it need not be screened. The type of screening used shall be determined based on the proposed location of the trash containment area, existing site conditions, and the type and amount of existing and proposed vegetation on the site.

3) Mechanical and Utility Equipment: Mechanical and utility equipment shall be screened from view from nearby streets and properties in the same manner as trash containment areas. Ground mounted equipment shall be located in the rear or side yard and screened. Such equipment located on the roof of the building shall also be made invisible from nearby streets and properties, through the use of parapet walls or setbacks from the edge of the roof or through the use of a screen exceeding the height of the equipment and using building materials and design which are compatible with those used for the exterior of the building. If the equipment is not visible at pedestrian height from nearby sites then it need not be screened. The type of screening used shall be determined based on the proposed location of the equipment, existing site conditions, and the type and amount of existing and proposed vegetation on the site.

5. Building Design Standards

The rich, architectural vocabulary of the Town of Wake Forest presents a wide variety of development opportunities using traditional forms while avoiding any perception of monotony. Buildings that are stylized in an attempt to use the building itself as advertising are not acceptable, particularly where the proposed architecture is the result

of a “corporate” or franchise style. In the case of a contributing building to the Downtown Wake Forest Historic District, the Secretary of Interior’s Standards for Rehabilitation will be used as a guideline for exterior work.

a. General Building Design Principles

- 1) **Scale:** Building design shall emphasize a human scale at ground level, at entryways, and along street frontages through the creative use of such features as windows, doors, columns, canopies, arcades, and awnings.
- 2) **Massing:** A single, large, dominant building mass shall be avoided. Where large structures are required, mass shall be broken up through the use of setbacks, projecting and recessed elements, and similar design techniques.
- 3) **Height:** Infill structures shall conform to the average height of surrounding structures, with taller portions of the new building set back in order to maintain the established street pattern and access to light.
- 4) **Avoiding Monotony:** Monotony of design in single or multiple building projects shall be avoided by varying detail, form and siting to the maximum extent practicable, within the standards set forth in these requirements.
- 5) **Unify Individual Storefronts:** If several storefronts are located in one building, the individual storefronts shall be unified in all exterior design elements, such as mass, window and door placement, color, materials, and signage while, at the same time, varying the look and providing distinctiveness from storefront to storefront.
- 6) **Varying Architectural Styles:** In developments with multiple structures of varying architectural styles, buildings shall be compatible by such means as a pattern of architectural features, similar scale and proportions, and consistent location of signage.
- 7) **Additions and Renovations:** Building additions and facade renovations shall be designed to reflect existing buildings in scale, materials, window treatment, and color. A change in scale may require a transitional design element between the new development and existing buildings. The Secretary of the Interior’s Standards for Rehabilitation shall be a guideline in renovating historic buildings.
- 8) **Infill Development:** New infill development shall either be similar in size and height or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures on the same and adjoining blocks.

b. Ground Floor Treatment

The first floor of all buildings should be designed to encourage and complement pedestrian-style interest and activity by incorporating the following elements:

- 1) The ground level of the building must offer pedestrian interest along sidewalks and paths. Blank walls at the street level are not permitted. This includes windows, entrances, and architectural details. Incidental signage on buildings, awnings, and ornamentation is encouraged.
- 2) Windows, entryways, awnings, and arcades shall total at least sixty percent (60%) of the facade length abutting a public street. Windows and glass doors shall be clear, transparent glass. The use of reflective (mirrored) glass is not permitted. No window or door shall be horizontally separated by more than fifteen (15) feet from the nearest other window or door in the same facade visible from any public street. The lower edge of storefront windows shall be no more than 30 inches above the sidewalk. (Also see Section 5.f.4))
- 3) Differentiate the entrance to commercial use of the ground floor from the secondary entrance, if any, to the upper levels.
- 4) Ventilation grates or emergency exit doors located at the first floor level in the building facade, which are oriented to any public street, shall be decorative.

c. Building Entrances

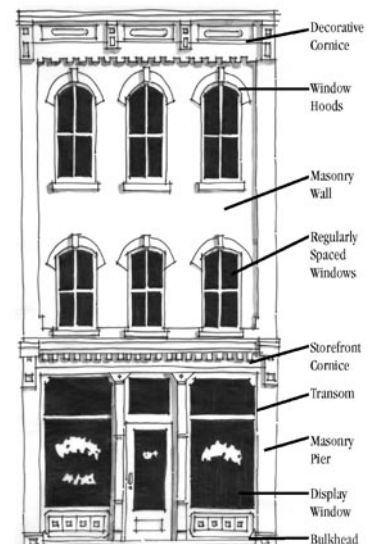
A primary entrance facade shall be oriented toward the street, be designed for the pedestrian, and be distinguishable from the rest of the building. Such entrances shall be designed to convey their prominence on the fronting façade. Use building massing, special architectural features, and changes in the roof line to emphasize building entrances. Additional entrances may be oriented toward side or rear parking lots. Service entrances for shipping and receiving shall be oriented away from the public street.

d. Residential Building Entrances

Residential building entrances shall be designed so as to be separate from the public sidewalk by elevation change, recessing, decorative fencing, or other technique to reinforce a privacy zone, privacy for the interior, and distinguish them from the commercial entrances.

e. Wall Detailing

- 1) Architectural elements like windows and doors, bulkheads, masonry piers, transoms, cornice lines, window hoods,



awnings, canopies, and other similar details shall be used on all facades facing public rights-of-way.

- 2) Building wall offsets, including projections, recesses, and changes in floor level shall be used in order to: add architectural interest and variety, relieve the visual effect of a single, long wall and subdivide the wall into human size proportions. Similarly, roofline offsets should be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- 3) Consider the use of cornices to provide a separation between the storefront and the upper stories.

f. Doors and Windows (Fenestration) All development shall be designed to encourage and complement pedestrian scale activity. First floor windows and glass doors shall provide a view into the building or into a window display area. They shall not be painted, tinted, or otherwise covered, so as to obstruct view into the interior. Such covered windows function as solid walls and are not appropriate in a pedestrian oriented downtown.

- 1) New storefronts shall incorporate display windows, or equivalent glazing, to match the rhythm of a storefront with display windows.
- 2) The rhythm and placement of windows in a new facade shall relate to the surrounding buildings.
- 3) The proportions of the windows shall be compatible with those on the surrounding buildings.
- 4) The wall to window ratio of new buildings shall be compatible with and relate to that of nearby structures. The wall to window ratio is the balance of openings in a building with the rest of the facade. (Also see Section 5.b.2))
- 5) Maintain the pattern on adjacent buildings established by details such as recessed windows, wide sills, window boxes, and bay windows. Avoid windows that are flush to the wall.
- 6) Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically proportioned wherever possible. Also, to the extent possible, upper story windows shall be vertically aligned with the location of windows and doors on the ground level.
- 7) Consider the use of transoms to provide light to the interior.

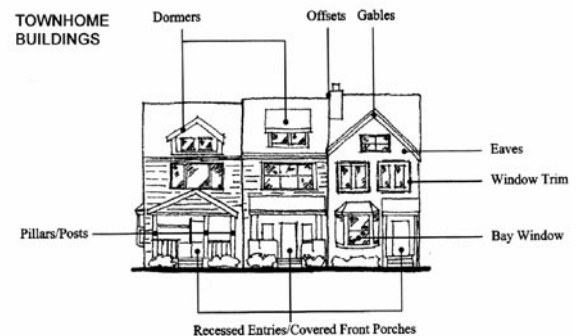
g. Awnings and Canopies

Awnings and canopies shall be designed in context with the historic surroundings. When used, awnings and canopies shall be placed at the top of window or doorway openings and shall relate to the shape of the top of the window. Awnings shall be made of canvas, treated canvas, or similar material. High quality metal awnings with an appropriate design compatible with the area, as determined by the Planning Director or his designee, may be allowed. Other metal, as well as vinyl (or plastic) awnings, are prohibited. Flat, metal awnings or other awnings that are inappropriately related to the character and period of the building shall not be permitted. No awning shall extend more than the width of the sidewalk or nine (9) feet, whichever is less. Awnings must be self-supporting from the wall. No supports shall rest on or interfere with the use of pedestrian walkways or streets. In no case shall any awning extend beyond the street curb or interfere with street trees or public utilities. (Also see Sections 5.1.4) and Article VI, Section 4. Signs)

Canopies shall be of solid materials and complement the color of the building to which they are affixed or associated. In some cases canopies may have supports separate from the building, such as at gas stations, but such canopies must be setback from the property and right-of-way lines a minimum of the required setback of accessory buildings, as required in the zoning district where located, and must not interfere with street trees or public utilities. (Also see Sections 5.1.4) and Article VI, Section 4. Signs)

h. Residential Façade Design

- 1) Garage doors are not permitted on the front elevation of any residential building.
- 2) All building elevations visible from the street shall provide doors, porches, balconies, and/or windows. This standard applies to each full and partial building story.
- 3) All residential buildings shall provide detailed design along all elevations. Detailed design shall be provided by using multiple architectural features on all elevations, as appropriate, for the proposed building type and style (may vary features on rear/side/front elevations):
 - a) Dormers
 - b) Gables
 - c) Recessed entries



- d) Covered porch entries
- e) Cupolas or towers
- f) Pillars or posts
- g) Eaves (minimum 6 inch projection)
- h) Off-sets in building face or roof (minimum 16 inches)
- i) Window trim (minimum 4 inches wide)
- j) Bay windows
- k) Balconies
- l) Decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features)
- m) Decorative cornices and roof lines (for flat roofs)
- n) Corner boards

i. Roofs

- 1) Roofline offsets shall be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.
- 2) Roof pitches less than 3/12 and flat roofs will require a parapet wall and decorative cornice as appropriate. (Also see Section 5.h.3))
- 3) Main roofs on residential buildings shall be symmetrical gables or hips with a pitch between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch roof shall be less than 6:12.
- 4) Roof lines, type (such as flat, hip, mansard, or gable), and materials shall be architecturally compatible with facade elements and the rest of the building and with other buildings on the same and adjoining blocks. Roof forms shall be architecturally compatible with existing, adjacent, or surrounding structures.
- 5) A pitched roof shall be profiled by eaves and overhangs a minimum of 12 inches from the building face or with a gutter.

j. Materials and Colors

- 1) **Wall Materials:** Predominant exterior building materials shall be high quality materials, including brick, stucco, wood clapboard, fiber cement board, stone, cultured stone, and/or other materials similar in appearance and durability. Under no circumstances shall unfinished concrete block be permitted. Brick, stone, cultured stone, or decorative masonry units shall not be painted unless approved. EIFS and similar synthetic coatings shall not be permitted as a predominant exterior building material.
- 2) **Material Configuration:** Two wall materials may be combined horizontally on one facade. The heavier material should be below.

- 3) **Accent Materials:** In addition to acceptable predominant wall materials, tinted/textured decorative concrete masonry units, shingles, EIFS, and other minority elements may be used on facades as an accent material only. Light strips may be used in limited quantities as an accent material, as described in Section 7.6.3.
- 4) **Roof Materials:** Pitched roofs should be clad in wood shingles, standing seam metal, terne, slate, dimensional asphalt shingles or similar material.
- 5) **Foundation Materials:** Foundation walls (except those under porches) shall be finished with brick, stone, or cultured stone. The crawlspace of porches shall be enclosed with brick, stone, cultured stone, or wood lattice, or any combination thereof.
- 6) **Colors:** Colors used for exterior surfaces shall be harmonious with surrounding development and shall visually reflect the traditional palette of downtown. Color shades shall be used to facilitate blending into the neighborhood.
 - a) **Facade and Trim Color:** Facade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors. The use of high-intensity or metallic colors is not allowed except for accent purposes. The use of fluorescent, day glow, or neon colors shall be prohibited as a predominant wall color. Variations in color schemes are encouraged in order to articulate entryways and public amenities so as to give greater recognition to these features.
 - b) **Submittals:** Color samples shall be provided to the staff, according to town standards, at the time of site plan review and prior to any renovations, remodelings, facelifts, and repainting, along with a description of how and where each color will be used. Colored renderings are encouraged, but shall not be a substitute for this requirement.

k. Renovations and Remodeling

- 1) **Storefronts:**
 - a) Original storefronts shall be maintained, repaired, and preserved with as little alteration as possible. Extensively deteriorated or missing elements shall be replaced with parts based on surviving details or other evidence.
 - b) When completely missing, a new facade will be designed which is compatible with the size, scale, materials, and color of similar structures, old records or photographs, intact portions of the building, or other design appropriate to the period.
 - c) Decorative detail shall be retained and restored whenever possible.

- 2) **Doors:** The original doors of a building shall be retained, repaired, and refinished, as needed, if possible. Replacement doors shall be compatible with the historic character and design of the building.

3) **Windows**

- a) Retain the original fenestration pattern (window opening proportions).
- b) If the original window openings have been altered, restore them to their original configuration and style, if known, or to something appropriate to the period.
- c) If the ceiling has been lowered pull the dropped ceiling back from the original window to allow light to enter.
- d) Do not block or fill window openings.
- e) Do not use shutters on the first floor except where clear evidence indicates their presence historically. If shutters are to be used, they shall be functional unless the windows are fixed.
- f) When possible, save and restore the original windows and frames. Replace missing or rotting parts with similar material.

4) **Signage**

- a) Lettering style, materials, and colors shall complement the building.
- b) Nationally distributed signs not compatible with the style and character of the building and with the sign board space shall not be allowed.

5) **Exterior Treatment**

- a) If brick, stone, or decorative concrete masonry unit surfaces are unpainted they shall be left that way unless painting is approved. If they are painted repaint with an appropriate color.
- b) Avoid sandblasting and other abrasive cleaning methods, unless all alternatives have failed.
- c) Masonry repair shall use an approved mortar mix that matches the compressive strength, color, and texture of the original.
- d) Do not use waterproof coatings that do not breathe.

I. Historic Renovations

The Secretary of the Interior's Standards for Rehabilitation shall be a guideline in renovating historic buildings. The following guidelines are intended to ensure compliance with these Standards.

1) **Storefronts**

- a) Original storefronts shall be maintained, repaired, and preserved with as little alteration as possible. Extensively deteriorated or missing elements shall be replaced with parts based on surviving details or other evidence.
 - b) When completely missing, a new facade will be designed which is compatible with the size, scale, materials, and color of similar structures, old records or photographs, intact portions of the building, or other design appropriate to the period.
 - c) Decorative detail shall be retained and restored whenever possible.
- 2) **Doors:** The original doors of a building shall be retained, repaired, and refinished, as needed, if possible. Replacement doors shall be compatible with the historic character and design of the building.
- 3) **Exterior Wall Cladding:** During renovations in existing buildings brick, stone, or wood facades shall not be covered or replaced with artificial siding or panels, including decorative concrete masonry units. Fiber cement siding, such as the brand name “Hardiplank”, may be used to replace wood clapboard siding.
- 4) **Awnings**
- a) Flat, metal awnings or other awnings that are inappropriately related to the character and period of the building shall not be permitted. (See Section 5.g.)
 - b) The use of signage on upper facade awnings shall not be permitted.
- 5) **Windows**
- a) Retain the original fenestration pattern (window opening proportions).
 - b) When possible, save and restore the original windows and frames. Replace missing or rotting parts with similar material. If the original window openings have already been altered, restore them to their original configuration and style, if known, or to something appropriate to the period.
 - c) If the ceiling has been lowered pull the dropped ceiling back from the original window to allow light to enter.
 - d) Do not block or fill window openings.
 - e) Do not use shutters on the first floor except where clear evidence indicates their presence historically. If shutters are to be used, they shall be functional unless the windows are fixed.
 - f) The use of reflective glazing is prohibited and the use of tinted glazing on major facades is prohibited.
- 6) **Signage** (Also see Article VI, Section 4. Signs.)
- a) Signage shall be placed on the sign board or on the space above the storefront lintels.
 - b) Lettering style, materials, and colors shall complement the building.

- c) Nationally distributed signs not compatible with the style and character of the building and with the sign board space shall not be allowed.

7) Exterior Treatment

- a) Previously unpainted brick, stone, cultured stone, or decorative concrete masonry units shall not be painted. If they are already painted repaint with an appropriate color after submission of color samples to and approval from the planning department. However, the removal of non-historic paint from brick and stone is strongly encouraged.
- b) The use of sandblasting and other abrasive treatments is not permitted.
- c) Masonry repair shall use an approved mortar mix that matches the compressive strength, color, and texture of the original. The mortar width and tooling profile will also match the original.
- d) Do not use waterproof coatings that do not breathe. The use of new types of waterproof coatings shall be discouraged, as their long-term effects are not known. The use of a waterproof coating shall not be used to circumvent needed maintenance, such as pointing.

6. MAINTENANCE

In order to meet the goals of this Code as stated in Article V. District Regulations; Section 19. Renaissance Area Districts, A. Purpose and Intent, especially with respect to Safety and Attractiveness, which in turn promotes the overall economic health of the Renaissance Area, property owners in the Urban Districts shall be required to maintain the exterior premises of their property in good condition or shall be deemed in violation of this ordinance as provided by Article IV, Section 10.

This applies to all exterior features, including but not necessarily limited to the following items: landscaping; building elements & materials; finishes, including paint; and accessories, such as awnings and signs.

I. Highway Corridors

1. Applicability

All non-residential development within designated highway corridors, such as US-1, shall meet the standards as described in the adopted corridor plans, in addition to those described in Overall Design and Appearance Standards and Town Center Area, if located there.

2. Buildings Exceeding 35 Feet.

In addition to the requirements of the applicable corridor plans and design and appearance standards, the following shall apply:

a. Basic Building and Site Design

- 1) Taller buildings shall be designed within the context of Wake Forest architecture. The Georgian Revival style of the taller buildings that were once part of Wake Forest College and which are now part of the Southeastern Baptist Theological Seminary exemplify a facet of the Wake Forest aesthetic.
- 2) Place new building fronts to form a streetscape at the street level.
- 3) Entrance features and public spaces shall contribute to the urban wall.
- 4) Massing of new buildings should reflect the buildings on either side to maintain compatible building heights.
- 5) Where taller buildings are adjacent to residential districts, the building should be stepped or terraced in order to ensure that additional height shall not result in sun shadow impacts, loss of privacy or other negative impacts on nearby residences.
- 6) Surface level parking shall be located to minimize the view of parking from public streets and shall not be situated forward of the building line on the street sides of taller buildings.

b. Architectural Features

- 1) **Façades:** Each façade shall provide for increased visual interest by incorporating windows, patios, porticos, porches, terraces or balconies and shall be modulated at the ground level and upper levels to produce highly articulated building forms.
- 2) **Windows:** Windows shall be framed with decorative surrounds to enhance their design value. Window surrounds such as stone like sills, lintels, window heads, brick soldiers or other bonds and surrounds shall be utilized to frame windows in a manner that enhances the overall design. While windows are a desirable feature in a façade, taller buildings shall not incorporate large glass expanses as the predominant design feature of the façades.
- 3) **Roofs:** Roofs shall contribute to the quality of the building with varied lines, deep rakes and eaves or richly articulated cornices for added dimension.

J. Gateways

1. Applicability

All non-residential development within designated gateways, as defined in any gateway plans, shall meet the standards as described in any such adopted gateway plans, in addition to those described in Overall Design and Appearance Standards and Town Center Area, as appropriate, given above and any applicable highway corridor plans.

Section 10. Exterior Lighting Standards

A. Overall Goal

The intent of this section is to focus on the actual physical effects of lighting, as well as the effect that lighting may have on the surrounding neighborhood. Exterior lighting shall be evaluated in the development review process to ensure that the functional and security needs of the project are met in a way that does not adversely affect the adjacent properties or neighborhood or impair the vision of motorists through spill-over light or glare.

B. Lighting Design Standards

(This section does not apply to public street lighting.)

1. Site lighting that may be confused with warning, emergency, or traffic signals is prohibited.
2. Background spaces like parking lots shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property.
3. Foreground spaces, such as building entrances and plaza seating areas, shall utilize local lighting that defines the space without glare.
4. Light sources shall be concealed and fully shielded from view off-site and shall feature sharp cut-off capability so as to minimize up-light, spill-light, glare, and unnecessary diffusion on adjacent property.
5. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site. Poles shall be anodized or otherwise coated to minimize glare from the light source.
6. Light sources must minimize contrast with the light produced by surrounding uses and must produce an unobtrusive degree of brightness in both illumination levels and color rendition. Incandescent, metal halide, and high-pressure sodium light sources all can provide adequate illumination with low contrast and brightness and are permitted light sources.

7. Maximum height of light poles with a ninety (90) or less degree cut-off fixture, measured from the light stream to the ground, shall be thirty (30) feet. Maximum height of light poles without a full ninety (90) degree or less cut-off fixture, measured from the light stream to the ground, shall be sixteen (16) feet. Poles may be mounted on a concrete pier of no more than three (3) feet in height.
8. Maximum on-site lighting levels shall not exceed ten (10) foot-candles at grade, as measured in the brightest area, except for loading and unloading platforms or outside display and sales areas where the maximum lighting level shall be twenty (20) foot-candles.
9. Outdoor display lots for vehicle sales and leasing shall comply with the requirements of this section, except that outside display areas may exceed twenty (20) foot-candles if outdoor white lighting is cut off, leaving only security lighting that is amber in color, after closing or 11:00 p.m., whichever comes earlier.
10. At grade light levels measured at the property line of the development site shall not exceed one (1) foot-candle as a direct result of the on-site lighting. In the case of buildings closer than ten (10) feet to the property line using only wall packs, this requirement shall not apply as long as the wall packs meet the requirements of item “12” below and the lights are screened from view from any adjacent residential property.
(Foot-candles (F) can be calculated by dividing the lumens (L) by the distance squared (D^2) (i.e. $F = L / D^2$).)
11. No outdoor pole lighting fixture shall be located within any required street yard or buffer (other than landscape lighting).
12. Wall packs on buildings may be used at entrances to a building to light unsafe areas, but must be fully shielded to direct the light downward, must be of low wattage (100 watts or lower), and the light source shall not be visible from off-site.
13. No flickering or flashing lights shall be permitted.
14. Because of their unique requirements for nighttime visibility and their limited hours of operation, ball fields and similar recreational uses are exempt from the exterior lighting standards provided above. However, these uses shall not exceed a maximum permitted post height of eighty (80) feet. The Planning Director or his designee may set a shorter maximum pole height if the specific recreational use does not require the taller pole. The luminaries must be shielded to prevent light and glare spillover to adjacent roadways or residential property. The maximum permitted illumination at the property or right-of-way line shall not exceed two (2) foot-candles and all lights, except for any amber color security lights, shall be cut off after use. (See #10 above for calculation method.)
15. Unique areas or neighborhoods within the jurisdiction, such as but not limited to any locally designated municipal historic district, any National Register historic district, and

downtown Wake Forest, may have additional design guidelines for lighting. Natural areas and natural features shall be protected from light spillage from off-site sources.

- 16.** Light poles and fixtures shall be of a non-glossy grey, black, aluminum, or bronze finish, unless permission is granted by the Planning Director or his designee for a special color scheme or theme.
- 17.** All exterior lighting, on or off the building, shall be either amber in color or turned off at 11:00 p.m. or at closing, whichever is earlier, with the exception of low-wattage landscaping or other decorative lighting or customer entrance or service area lights aiming down and installed under a canopy or similar roof structure. The term “amber” shall include any related non-white color, such as the pinkish color of high-pressure sodium lighting.
- 18.** Pole light fixtures shall have a flat lens or have shields installed on each side of the fixture to hide the lens.
- 19.** Subsequent phases of an entire development shall have a uniform design plan for lighting and fixtures. New phases must meet all requirements in effect at the time of obtaining a permit, but lighting plans must consider preexisting lighting in earlier phases, both in design and intensity of light.

ARTICLE VII. OFF-STREET PARKING AND LOADING

Section 1. Off-Street Parking Requirements

There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded open space.

A. Certification of Minimum Parking Requirements

1. Each application for a building permit or development permit submitted to the Zoning Enforcement Officer as provided for this ordinance shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Enforcement Officer to determine whether or not the requirements of this section are met.
2. The North Carolina Building Code and American Disability Act General requirements for handicapped parking, curb cuts/curb ramps, passenger loading zones, legal signage (including maximum penalty signage for illegal parking) and accessibility shall be provided.

B. Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

C. Remote Parking Space

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use.

D. Minimum Parking Requirements

The following off-street parking space shall be required:

Residential and Related Uses	Required Parking
Any residential use consisting of one or more dwelling units	Two (2) parking spaces on the same lot for each dwelling unit.
Rooming or boarding houses.	One (1) parking space for each room to be rented.
Elderly Housing and Retirement Centers	One (1) parking space per dwelling unit and one (1) space per employee and the equivalent of 10% of the dwelling units for visitor parking.
Doctor's or dentist's office in his residence.	Five (5) parking spaces in addition to residence requirements.
Professional office (other than doctor or dentist) or customary in addition to residence home occupation in operator's requirements.	Three (3) parking spaces in addition to residence requirements.
Public and Semi Public Uses	Required Parking
Hospital	One (1) parking space for each bed intended for patient use, exclusive of bassinets.
Clinic	Three (3) parking spaces for each staff doctor plus one (1) parking space for each employee.
Nursing	One (1) parking space for each two (2) beds intended for patient use plus one (1) parking space for each employee.
Libraries	One (1) parking area for each three hundred (300) square feet plus one (1) parking space for each employee on the largest shift* plus one (1) parking space for each four (4) seats in any auditoriums or meeting rooms.
Museums, Cultural Facilities and Art Galleries	One (1) space for each five hundred (500) square feet.
Churches	One (1) parking space for each four (4) seats.
Elementary and Junior High School	Two (2) parking spaces for each classroom and administrative office plus one bus space for each forty pupils.
Senior High School	One (1) parking space for each four (4) students for which the building was designed plus one (1) parking space for each classroom and administrative office.
Stadium	One (1) parking space for each four (4) spectator seats.
Auditorium	One (1) parking space for each four (4) seats.
Public or private clubs	One (1) parking space for each two hundred (200) square feet of gross floor space.
Public Utility Buildings	One (1) parking space for each employee.
Business Uses	Required Parking
Tourist home motel motor court	One (1) parking space for each room to be rented plus one (1) additional parking space for each employee.
Hotels (not including any retail use)	One (1) parking space for each room to be rented plus one (1) additional parking space for each two (2) employees.

General or professional offices	One (1) parking space for every three hundred (300) gross square feet of gross floor space.
Banks	One (1) parking space for each three hundred (300) square feet of gross floor space plus one (1) for each employee. In addition* for drive-in banks storage space for three (3) vehicles shall be provided at each drive-in window.
Service Stations	Two (2) spaces for each service bay plus one (1) space for each vehicle used in operation plus one (1) space for each employee.
Theaters	One (1) parking space for each three (3) seats in the auditorium.
Funeral Homes	One (1) parking space for each three (3) seats in the chapel or parlor.
Retail Uses Not Otherwise Indicated	Required Parking
Low generator retail and service establishments, such as appliance, drapery, food store, floor or wall covering, florist, hobby shop, furniture, paint, hardware, decorator, upholstery.	One (1) space for each four hundred (400) plus two (2) spaces for each three (3) employees plus one (1) space for vehicle used in interior operation.
Medium generator retail and service establishments such as bakery, barber, beauty shops, dry cleaning, laundry pick-up stations, dry goods, apparel shop, sporting goods, drug store, pharmacy, and shoe repair.	One (1) space for each three hundred (300) square feet plus two (2) spaces for each three (3) employees plus one (1) space for each vehicle used in operation.
High generator retail and service establishments such as auto accessory, department store, coin operated dry cleaning and laundry, food, and variety stores.	One (1) space for each two hundred (200) square feet plus two (2) spaces for each three (3) employees plus one (1) space for each vehicle used in operation.
Shopping Centers exceeding two (2) acres in size	5.5 spaces per one thousand (1,000) square feet of gross leasable floor space.
Industrial and Wholesale Uses	Required Parking
Wholesale uses	One (1) parking space for each employee on the largest shift.
Industrial uses	One (1) parking space for each employee on the largest shift.

Campus Uses	Minimum Required Parking
Administrative and Faculty Offices	One (1) parking space for each faculty and administrative office plus one (1) space for every four (4) offices.
Churches, Stadiums, and other places of public assembly	Same as listed elsewhere in this section.
Classrooms	One (1) parking space per classroom plus one (1) parking space for each three (3) students for which the building was designated. (The required number of parking spaces may be reduced by a maximum of thirty percent (30%) if it can be demonstrated that a similar proportion of students live within 400 feet of the classroom building.)
Dining Facilities (including cafeterias, snack bars, etc.)	One (1) parking space for each four (4) seats at tables plus one (1) parking space for each three (3) seats at counters or bars plus one (1) space for each employee. (The required number of parking spaces may be reduced by a maximum of 30% if it can be demonstrated that a similar proportion customers are attending classes or are employed on campus within 400 feet of the eating facility. However, such reduction may not endanger needed parking for banquet facilities.)
Libraries, Art Galleries, Museums, etc.	One (1) parking space for each three hundred (300) square feet of gross floor. (The required number of parking spaces may be reduced by a maximum of 30% area if it can be demonstrated that a similar proportion of visitors are attending classes or are employed on campus within 400 feet of the library or other facility in question. However, such reduction may not endanger needed parking for meeting facilities.)
Recreation	Same as listed elsewhere in this section for the particular type of recreation.

Section 2. Off-Street Loading

The number of off-street loading berths required by this section shall be considered as the absolute minimum and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. For purposes of this section an off-street loading berth shall have minimum plan dimensions of twelve (12) feet by seventy-five (75) and fourteen (14) overhead clearance with adequate means for ingress and egress. A loading space requirement may be modified or waived by the Board of Adjustment on application in the case of a bank, theater, assembly hall, or other building of similar limited loading space requirements. This section does not apply to the following uses within the CBD, Central Business District Zoning jurisdiction as designated in Section 1 of this Article. This section does not apply to the businesses located within the Historic Central Business District.

Residential and related uses.
 Medium generator retail and service establishments.

<u>Square Feet of Gross Floor Area</u>	<u>Required No. of Berths</u>
0 - 25,000	1
25,000 - 40,000	2
40,000 - 100,000	3
100,000 - 160,000	4
160,000 - 240,000	5
240,000 - 320,000	6
320,000 - 400,000	7
Each 90,000 above 400,000	1

- A. For uses containing a gross floor area of less than 20,000 square feet, each off-street loading space shall have a minimum length of thirty (30) feet.
- B. Uses which do not handle large quantities of goods, including but not limited to office buildings, classroom buildings, funeral homes, hotels, motels, apartment buildings, and places of public assembly, shall provide off-street loading facilities in the following amounts:

<u>Gross Floor Area (Square Feet)</u>	<u>Minimum Number of Spaces Required</u>
0 - 80,000	1
80,001 - 200,000	2
200,001 - 320,000	3
Each Additional 180,000	1 additional

ARTICLE VIII. SPECIAL USES

The Board of Commissioners shall have authority to grant permission for the establishment of special uses as specified in this ordinance.

Section 1. Intent

It is the intent of this article to recognize and permit certain uses and developments that require special review and to provide standards by which applications for permits for such uses and developments shall be evaluated.

It is further intended that Special Use Permits be required for the following types of developments:

- A.** Developments or land uses that, because of their inherent nature, extent and external effects, require special care in the control of their location, design and methods of operation in order to ensure protection of the public health, safety, and welfare; and,
- B.** Major developments that require special review in order to provide regulatory flexibility and performance criteria necessary to ensure i) that there is an efficient use of land and services, ii) that future development is compatible with existing land uses, iii) that a more desirable environment is possible through greater control.

Section 2. Findings of Fact

No special use permit shall be approved by the Board of Commissioners unless each and all of the following findings is made concerning the proposed special use:

- A.** That the proposed use or development is located, designed, and proposed to be operated so as not to be detrimental to the public health, safety and general welfare;
- B.** That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal and similar facilities;
- C.** That the proposed use will not substantially injure the value of adjoining or abutting property;
- D.** That the proposed use will not cause undue traffic congestion or create a traffic hazard;
- E.** That the proposed use will not create undue noise, dust, and gasses;
- F.** That the proposed use, if developed according to the plan submitted and approved, will be in harmony with the area in which it is located;

- G. That the proposed use or development conforms with the general plans for the physical development of the town; and,
- H. That the proposed use or development meets all other rules and regulations within the zoning ordinance and all existing Town policies.

Section 3. Procedure for Approval of Special Use Permits

- A. Applications for Special Use Permits shall be filed with the Town Planner in accordance with current Town policy, schedules and procedures.
- B. No application will be accepted unless the prescribed application forms are completed with all required information, and accompanied by the appropriate filing fee.
- C. Applications filed in accordance with current Town policy, schedules and procedures may be discussed with Town Staff and altered so as to conform with all existing plans and regulations.
- D. On acceptance of a complete application, notice of public hearing shall be given once each week for two (2) consecutive calendar weeks in a newspaper of general circulation in Wake Forest, North Carolina. Said notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days prior to the date of public hearing. Notice shall also be made by posting the property concerned with a poster indicating the proposed change and hearing. All property owners abutting or within 100 feet of the property on which the proposed use will be developed shall be notified, by certified mail of the date and place of the forthcoming hearing.
- E. Public hearings conducted by the Board of Commissioners shall be held jointly with the Planning Board on the first Tuesday of each month.

Section 4. Preliminary Review

- A. On acceptance of a special use application, the Town Planner shall prepare and submit to the Planning Board and the Board of Commissioners a written report containing findings as required in Section 1 of this Article, and shall make a recommendation and the reasons thereof.
- B. The Board of Commissioners shall require the Planning Board to review special use applications and submit findings and recommendations following the public hearing.
- C. When deciding special use permits, the Planning Board shall follow quasi-judicial procedures. A member of the Planning Board shall not participate in or vote on a quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, a close

familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

- D.** No greater than a majority vote shall be required for the Planning Board to recommend the issuance of a special use permit. Vacant positions on the Planning Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority.

Section 5. Public Hearing

The public hearing, following quasi-judicial procedures, shall be open to the public and all interested persons shall be given the opportunity to present evidence and arguments and to ask questions of persons who testify. The Board of Commissioners may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross-examination of witnesses so that the application may be heard without undue delay. All persons who intend to present evidence at the public hearing shall be sworn.

The applicant shall bear the burden of presenting evidence sufficient to establish conclusively that the proposed development will comply with the determination required in Section 1 of this Article.

A record of the proceedings of the hearing shall be made and shall include all documentary evidence presented at the hearing.

Section 6. Board of Commissioners Action

The Board of Commissioners shall take action on the application based on findings as to the determinations required in Section 1 of this Article. All findings shall be based on reliable evidence presented at the public hearing. When deciding special use permits, the Board of Commissioners shall follow quasi-judicial procedures. A member of the Board of Commissioners shall not participate in or vote on a quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Action on the application shall be one of the following:

- A.** Approval;
- B.** Approval subject to reasonable and appropriate conditions and safeguards;
- C.** Denial;

D. Tabled for further study.

No greater than a majority vote shall be required for the Board of Commissioners to issue a special use permit. Vacant positions on the Board of Commissioners and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority.

Section 7. Denials

When an application for a special use is denied by the Board of Commissioners, reapplication involving the same property may not be submitted for a period of six (6) months; however, if the petitioner can demonstrate a substantial change in circumstances surrounding the proposed use, then the Board of Commissioners may waive the six-month requirement and allow a reapplication for the property previously involved. The burden of demonstrating change in circumstances shall be on the applicant.

Section 8. Appeal of Decision

A decision by the Board of Commissioners on an application for a Special Use Permit may be appealed to the Superior Court by an aggrieved party. Such appeal shall be in the nature of certiorari and must be filed within thirty (30) days of the filing of the decision.

Section 9. Plan Approval

Developments requiring site plan approval as specified in Article IV, Section 12 and Article VIII shall be required to submit development plans in accordance with said Articles at the time the special use application is filed. Preliminary plat and construction drawings shall be required following the issuance of a special use permit. No zoning/development permit shall be issued for said special use until such plans have been approved.

Section 10. Modifications of Special Use Permits

Any change requiring evidenciary support in addition to that presented at a public hearing on applications for the original Special Use Permit shall constitute a modification of the Special Use Permit. Before making a determination as to whether a proposed action is a minor change or a modification, the Town Planner shall review the record of the proceedings on the original application for the Special Use Permit and subsequent applications for Modifications of Special Use Permits and shall use the following criteria in making the determination:

- A.** A change from the use approved by the Board of Commissioners shall constitute a modification;
- B.** Substantial changes in the location of principal and/or accessory structures approved by the Board of Commissioners shall constitute a modification;

- C. Substantial changes in pedestrian or vehicular access or circulation approved by the Board of Commissioners shall constitute a modification;
- D. Any upward change in the density approved by the Board of Commissioners shall constitute a modification;

If the proposed action is determined to be a modification, the Town Planner shall require the filing of an application for approval of the modification. Such application shall follow the procedures established in Section 3 of this Article.

Section 11. Revocation, Extension and Reinstatement of Special Use Permits

- A. A special use permit or modification of Special Use Permit shall automatically be revoked if the physical construction of activity authorized by said permit, which shall include the installation of improvements, the commencement of the operation where physical improvements are not required or significant construction has not commenced within twelve (12) months of the issuance of such permit or modification.

Prior to the twelfth month an applicant may request an extension of the special use permit or modification of special use permit. The request shall be made in writing and submitted to the Board of Commissioners to be reviewed prior to the last day of the twelfth month.

The Board of Commissioners may grant no more than two (2) extensions, each extension shall be no more than six (6) months, to commence immediately after the twelve (12) month period for which the permit was issued.

- B. A special use permit or modification of Special Use Permit may also be revoked by the Board of Commissioners after a finding of the existence of any one of the following conditions:
 - 1. That the activity authorized by a Special Use Permit or Modification of Special Use Permit ceases for a continuous period of twelve (12) months.
 - 2. That the governmental licenses and permits required for the activity authorized by a Special Use Permit or Modification of Special Use Permit are not obtained or are subsequently terminated; and
 - 3. That any of the applicable requirements of this chapter or any conditions attached to the Special Use Permit or Modification of Special Use Permit are violated.
- C. The Board of Commissioners may reinstate a revoked Special Use Permit or Modification of Special Use Permit provided:
 - 1. A petition for reinstatement is submitted to the Board of Commissioners within ninety (90) days of the revocation;

2. The conditions that were the cause of the revocation have been eliminated; and
 3. That the development is in full compliance with all applicable requirements of this article.
- D.** When considering a reinstatement of a special use permit the Board of Commissioners shall determine the time period for which the reinstated special use permit is valid. In no case shall the time be greater than 24 months after the date for which the initial special use permit was issued.
- E.** If a special use permit is not reinstated or the time period for an extension or reinstatement of a special use permit has elapsed, a reapplication for a special use permit following the "Procedure for Approval of Special Use Permit, Section 3" shall be required prior to any further development or activity taking place.

Section 12. Special Uses

Special Uses may be established in accordance with the procedures and general requirements set forth in Section 1 of this Article.

In addition to the general determinations required in Section 2 of this Article and the above requirements, the following specific supplemental standards shall be applicable for the designated special use.

Section 12.1. Planned Unit Developments

General

A. Requirements for development

A development plan shall be submitted as follows:

1. Master Land Use Plan.

All applications for approval of a special use permit for development of a planned unit development (PUD) shall be accompanied by a master land use plan and narrative which shall include but not be limited to:

- a. The numbers and types of residential dwelling units.
- b. The location and acreage of all proposed land uses.
- c. Planned primary and secondary traffic circulation patterns including an analysis of anticipated traffic volumes and the impact on the existing street network.

- d. Planned parks, playgrounds and open areas to be developed or preserved in accordance with Article IV, Section 7 of this ordinance and Section D of this Article.
- e. Planned means of providing for the organization and arrangements for the ownership, maintenance and preservation of common open spaces.
- f. Relationship of the planned unit development to the surrounding land uses and within the planned unit development.
- g. Plans for water and wastewater systems to be constructed in accordance with Town standards.
- h. Plans for the access of firefighting and refuse disposal equipment, to include the method of refuse disposal.
- i. Plans for an adequate storm drainage system to be constructed in accordance with Town standards.
- j. The delineation of areas to be constructed in phases or sections and the sequential order that will be followed in development including a written statement from the applicant indicating the date for beginning each phase of construction and the estimated date of completion.
- k. Evidence that the North Carolina State Highway Commission (Department of Transportation) has been made aware and approve of the layout of the proposed planned unit development. Planned Unit Developments that are 200 acres or more are required to contact the Wake County Board of Education. A statement from the Wake County Board of Education showing their awareness of the proposed development shall be required prior to presenting the master land use plan to the Board of Commissioners and Planning Board.
- l. Soils map prepared according to the United States cooperative soil survey standards.
- m. Existing vegetation and natural areas shall be indicated on the master plan and a written statement shall be required stating that these areas will be protected to the greatest extent possible and that minimum clearing of land shall be undertaken during development.
- n. An analysis of anticipated population by age groups and evidence clearly showing the manner in which plans have been made for schools, recreation and town services. Supporting evidence justifying the proposed commercial areas within the planned unit development along with a schedule indicating the dates construction will begin and be completed in such areas.

The Planning Board or the Board of Commissioners may, when it deems advisable, require greater detail on any items listed in Section A of this Article.

B. Procedures

1. The Master Land Use plan accompanying the special use request shall be reviewed and approved according to the procedure described in Section 3 of this Article
2. No permit for construction of any on-site or off-site improvements in a planned unit development shall be granted prior to final approval of the planned unit development.
3. The Board of Adjustment shall have no power to waive any requirements contained in this division. Variances to any of these detailed provisions can only be waived after consideration by the Planning Board and approval by the Board of Commissioners.
4. No phase or section of an approved planned unit development shall be revised, enlarged or amended without first resubmitting that phase or section to the Planning Board and the Board of Commissioners as provided for in this section.

C. Use Requirements

1. Planned unit developments containing fifty (50) acres or less shall be composed of residential uses including both permitted and special uses in the Multi-family District.
2. Planned unit developments larger than fifty (50) acres may contain all uses permitted in the residential districts and the Central Business District. Special uses allowed in planned unit developments larger than fifty (50) acres but less than 100 acres, include all special uses in the Multi-family District and the Central Business District. All Business/Commercial uses would be designed to primarily serve the units of the development. The introduction of commercial or business facilities designed to attract a city-wide or regional clientele shall be discouraged.
3. Planned unit developments on more than 100 acres may include Commercial Districts and Office and Institutional Districts, designed to attract city-wide or regional clientele. Commercial and Office and Institutional areas within the PUD shall require rezoning.

D. Minimum Area Requirements

1. General Provisions.
 - a. Setback requirements. Minimum yards and lot width shall be the same as those required for the zoning district in which the planned unit development is located.
 - b. Lot size and density. Lot size and density for the multi-family dwellings shall be as permitted for each zoning district. The minimum lot size for all other dwellings shall

not be less than eighty (80) percent of the minimum lot size for the zoning district in which the planned unit development is located.

All peripheral lots in a planned unit development shall not be less than the minimum lot sizes as determined by the zoning of the lands (developed or undeveloped) that are immediately adjacent to the planned unit development, except where Rural Holding (RD) is the adjacent zone, when peripheral lots shall be the minimum required size for the zoning district within which the planned unit development is located.

- c. Open space. A minimum of twenty-five (25) percent of the gross acreage shall be reserved for open space.

This area shall have free and easy access via streets, walk-ways, dedicated easements, rights-of-way, etc. This area shall be either deeded to the Town or held in non-profit corporate ownership by the owners of the lots. If the open space is deeded to a homeowner's association, then a "declaration of covenants" must be established. As a minimum the covenant shall be subject to the following:

- Homeowner's association must be established before homes are sold.
- Membership in the association shall be mandatory for all homeowners in the development.
- The association shall be responsible for liability insurance, all pertinent local taxes and maintenance of recreation and other facilities, such as pumping stations, private roads, etc. (landscaping).
- Any sums levied by the association that remain unpaid shall become a lien on the individual homeowner's property.
- If all or any portion of the association is being dissolved, or if the association is dissolved, the open space shall be deeded to the Town.
- If construction has not begun within one (1) year from the date of such approval, the association shall be terminated. An extension of this period is allowed upon written request. Good and sufficient cause must be shown.

2. Provisions for Cluster Development in R-40W and R-80 W Districts.

- a. Definition. For the purposes of this section, cluster development means the grouping of buildings or lots in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts.

- b. Dimensional requirements. Dimensional requirements shall be the same as those stated in the R-20, Residential-20 District for projects on land zoned R-80W and R-15, Residential-15 District for projects on land zoned R-40W.
- c. Parcel size. Minimum parcel size shall be forty (40) acres.
- d. Open space.
 - Minimum requirement. A minimum of forty (40) percent of the gross acreage shall be reserved for open space.
 - Location. Open space areas shall be determined by requiring that natural and cultural resources be given priority for protection. Such resources shall include, but are not limited to, the following: Priority One Areas as defined in Article VI., Section 6 of this ordinance, wetland areas, steep slopes, water-supply reservoirs, critical wildlife habitat, sites of historic, cultural or archeological significance, resources identified on an adopted plan or official survey.
 - Configuration. Open space areas shall be in large, continuous blocks, not fragmented and scattered throughout a site unless such a configuration would result in greater protection for resources. Open space areas shall conform to adopted open space and greenway plans. Contiguity with other open space and resource areas, both on- and off-site, shall be provided wherever possible.
 - Ownership and maintenance. Open space areas may be either deeded to the Town or other governmental entity, held in non-profit corporate ownership by a homeowners association or private non-profit conservation organization, or retained by the owner or developer of the property. Terms for all methods of ownership shall ensure permanent protection and maintenance of open space areas.

E. Phased Development

1. Phased development shall be allowed if the entire project receives approval.
2. All open space for the entire project must be recorded and/or provided for in the homeowner's association with the development of the first phase.
3. Phased development is allowed only if the membership of the association includes the entire project.
5. No subsequent phases may be commenced until all physical improvements of the previous phase including streets, sidewalks, utilities, electrical service, recreation areas and the like have been installed or a performance guarantee is submitted for their installation.

F. Building Separation

The required separation between buildings shall be determined by building height. The minimum horizontal distance between the vertical projections of any points on two adjacent buildings shall be determined according to the following table:

<u>Height of Taller Buildings</u>	<u>Minimum Horizontal Distance Between Vertical Projections</u>
20 feet or less	15
between 20.1 and 25.0	20
between 25.1 and 30.0	30
between 30.1 and 35.0	40

If the buildings share a common open courtyard area, then the minimum distance between buildings on opposite sides of the courtyard shall not be less than seventy (70) feet for one-story buildings and ninety (90) feet for two-story buildings.

G. Parking

Each use within the planned development shall adhere to the minimum parking requirements set forth in this ordinance. Parking spaces in a parking lot shall not be located closer than ten (10) feet of any dwelling unit.

H. Utilities

All planned unit developments within the water and sewer perimeter area of the Town of Wake Forest shall be required to connect to the Town's system. All extension policies shall be applicable.

I. Subdivision Review

It is the intent of this section that subdivision review under the Subdivision Regulations be carried out as an integral part of the review of the Planned Unit Development. Except in the case of reduced lot size bonuses, if any provisions of this section for Planned Unit Developments conflicts with the Subdivision Regulations, the more restrictive and/or more detailed regulations shall apply.

J. Supplementary Regulations

Planned Unit Developments shall adhere to all other supplementary district regulations specified in the Zoning Ordinance.

K. Access

Access to multi-family units must abut an open dedicated street with a carrying capacity adequate to meet the anticipated demand.

L. Effective Date

1. A Planned Unit Development which has received approval prior to the date of adoption of this ordinance shall be allowed to be developed as approved provided each phase meets all regulations and ordinances that exist at the time of the Master Land Use Plan approval.
2. All Planned Unit Developments that have not received approval prior to the date of adoption of this ordinance shall be required to meet all regulations set forth herein.

Section 12.2. Multi-Family Developments

A. General Requirements for Development

The development of three or more dwelling units on one lot shall constitute a multi-family development.

A development plan shall be required as follows:

1. Master Land Use Plan

All applications for approval of a special use permit for a multi-family development shall be accompanied by a master land use plan and a narrative which shall include but not be limited to:

- a. The number and types of residential dwelling units.
- b. A plan showing traffic circulation patterns indicating parking areas, walkways, sidewalks and streets. Multi-family developments on less than two (2) acres may provide access to each dwelling unit via a parking lot. The property must abut an open dedicated street with a carrying capacity adequate to meet the anticipated demand.
- c. Multi-family developments on more than two (2) acres must provide off-street parking and provide access via a dedicated public street. Said access must abut an existing open street with a carrying capacity adequate to meet the anticipated demand.
- d. Private streets shall not be permitted within a multi-family development on more than two (2) acres except in a retirement center, rest home and hospital where private streets may be permitted if they are built town standards.

- c. Relationships of the multi-family development to the surrounding land uses.
- d. An analysis of anticipated traffic volumes and the impact on the existing street network.
- e. Planned parks, playgrounds and open areas to be developed or preserved in accordance with Article VI, Section 6 of this ordinance and Section F of this Article.
- f. Planned means of providing for the organization and arrangements for the ownership, maintenance and preservation of common open spaces.
- g. Plans for water and wastewater systems to be constructed in accordance with Town standards. Any multi-family development proposed on more than 10 acres shall be required to determine the impact of the proposed development on the town's existing services and capacity.
- h. Plans for the access of fire fighting and refuse disposal equipment to include the method of refuse disposal.
- i. Plans for an adequate storm drainage system to be constructed in accordance with town standards.
- j. The delineation of areas to be constructed in phases or sections and the sequential order that will be followed in development including a written statement from the applicant indicating the date for beginning each phase of construction and the estimated date of completion.
- k. For projects greater than ten (10) acres, a statement from the North Carolina State Highway Commission (Department of Transportation) shall be required indicating they are aware of the development and approve of its layout as it pertains to the existing road network. Multi-family projects on more than 100 acres shall be required to contact the Wake County Board of Education. A statement from the Wake County Board of Education showing their awareness of the proposed development shall be required prior to presenting the master land use plan to the Board of Commissioners and the Planning Board.
- l. Soils map prepared according to the United States Cooperative Soil Survey Standards.
- m. Existing vegetation and natural areas shall be indicated on the master plan and a written statement shall be required stating that these areas will be protected to the greatest extent possible and that minimum clearing of the land shall be undertaken during development.

- n. For projects greater than 50 acres, an analysis of anticipated population by age groups and evidence clearly showing the manner in which plans have been made for schools, recreation and town services.

2. Detailed Preliminary Plat and Construction Drawings

After approval of the master land use plan the developer shall submit detailed preliminary plat and construction drawings for each phase of development in accordance with Article III of the Subdivision Regulations. Preliminary plats shall conform to the approved Master Land Use Plan. All plans shall be submitted to the Planning Board for review. The Planning Board, may when it deems advisable, require greater detail on any items listed in Section A of this Article.

B. Procedures

The procedures shall be the same as that required for a Planned Unit Development.

C. Minimum Area Requirements

The maximum density for multi-family developments shall not exceed the maximums established for the zoning class in which the project is located. All dimensional requirements shall follow those stated for the zoning class in which the development is located.

D. Residential Sites

1. **Townhouses:** All townhouse proposals shall be subject to a conveyance of a fee-simple lot. The fee-simple lot shall be of sufficient size to contain the proposed residential unit. All common areas are to be conveyed to a non-profit corporate homeowner's association with one-hundred (100) percent membership or deeded to the town. The developer shall file with his application for approval a "dedication of covenants". As a minimum, the declaration must meet the following criteria:
 - Homeowner's association be established before units are sold.
 - Association be responsible for the liability insurance, pertinent local taxes, and maintenance of all recreation and other facilities. (landscaping)
 - Sums levied by the association that remain unpaid shall become a lien.
 - If association is dissolved, open space is deeded to the town. (Town need not accept).
 - If construction has not begun within one year, the permit of approval shall expire. An extension may be granted upon written request. Good and sufficient cause must be shown.
2. **Condominiums:** Before the sale of any condominium units, a declaration establishing unit ownership must be recorded. The declaration must conform to the minimum criteria set forth below before recordation of the declaration can take place:

- Declaration must be a legal document.
- A plan must be submitted that shows: description of general common areas and facilities as defined in the North Carolina Unit Ownership Act, the proportionate interest of each unit owner, unit designation, unit location, number of rooms, common area to which units have access, boundary lines between structures, description of all garages, balconies, and patios.
- Prior to sale, homeowner's association must be in legal existence. Membership in the association is mandatory.
- Local taxes on common areas, liability insurance, maintenance of recreation and other facilities must be provided by homeowner's association.
- Homeowner's association empowered to levy assessments to meet its obligations and those not paid by the owners shall constitute a lien.
- All easements over common areas for access, ingress, egress, and parking must be shown.

E. Design

1. Building Separations: The required separation between buildings shall be determined by building height. Minimum horizontal distance between the vertical projections of any points on two adjacent buildings shall be determined according to the following table:

<u>Height of Taller Buildings</u>	<u>Minimum Horizontal Distance Between Vertical Projections</u>
20 feet or less	15
between 20.1 and 25.0	20
between 25.1 and 30.0	30
between 30.1 and 35.0	40

If the buildings share a common open courtyard area, then the minimum distance between buildings on opposite sides of the courtyard shall not be less than seventy (70) feet for one-story buildings and ninety (90) feet for two-story buildings. Yard spaces may not overlap.

2. Parking: Each use within the proposed development shall adhere to the minimum parking requirements set forth in this ordinance. Parking spaces in a parking lot shall not be located closer than ten (10) feet of any dwelling unit.
3. Transitional Use Areas: A residential use shall be established along the boundaries of each development for a distance of not less than fifty (50) feet. If the development adjoins a commercial district, the only permitted use shall be an open space buffer.

F. Open Space

1. A minimum of fifteen (15) percent of the gross acreage shall be reserved for open space.

2. A minimum of fifty (50) percent of the required reserved open space shall be dedicated for active recreational purposes and shall be developed for active recreational purposes as specified in Article V, Section 7. This area (open space) is either to be deeded to the Town or held in non-profit corporate ownership by the homeowner's association. Also, this area shall have free and easy access via streets, walk-ways, dedicated easements, rights-of-way, etc.

G. Phased Development

1. Phased development shall be allowed if the entire project receives approval.
2. All open space for the entire project must be recorded and/or provided for in the homeowner's association with development of the first phase.
3. Phased development is allowed only if the membership of the association includes the entire project.
4. No subsequent phases may be commenced until all physical improvements of the previous phase including streets, sidewalks, utilities, electrical service, recreation areas and the like, have been installed, or a performance bond or letter of credit submitted for their installation.

H. Utilities

All multi-family developments within the water-sewer perimeter area of the Town of Wake Forest shall be required to connect to the town's system. All extension policies shall be applicable.

I. Subdivision Review

It is the intent of this section that subdivision review under the Subdivision Regulations be carried out as an integral part of the review of multi-family developments. If any provisions of this section conflicts with the Subdivision Regulations, the more restrictive and/or detailed shall apply. Variances to any of these provisions can only be waived after a recommendation by the Planning Board and approval by the Board of Commissioners.

J. Supplementary Regulations

Multi-family developments shall adhere to all supplementary district regulations specified in the Zoning Ordinance.

K. Final Plat

1. After approval of a preliminary plat and construction drawings, the final plat shall be prepared and submitted for final approval within one (1) year after approval of the preliminary plat. Failure to submit a final plat within one (1) year after approval results in automatic negation of that preliminary plat approval, unless the Planning Board determines that extenuating circumstances exist to justify an extension. The burden of proof of such circumstances shall be on the developer.
2. Final plat submission shall be in accordance with Article III of the Subdivision Regulations. Any covenants which create homeowners associations for the maintenance of all privately owned common areas must accompany the final plat.

L. Effective Date of Applicability

All multi-family developments approved prior to the effective date of adoption of this ordinance shall be subject to the previous regulations governing construction.

Section 12.3. Manufactured Home Parks

A. Suitability of Site

1. All manufactured home parks shall contain at least ten (10) acres of land and no less than ten (10) manufactured home spaces shall be completed and available for occupancy before issuance of an operating permit.
2. The park site shall be suitable for residential use. It shall not be subject to hazards such as insect or rodent infestation, objectionable smoke, noxious odors, unusual noise.
3. Every manufactured home park shall be located on ground that is above any probable flooding from any natural water source, and shall be graded so as to prevent the accumulation or ponding of water on the premises, shall have all drainage of the park confined or piped in such a way that it will not endanger any water supply; shall have all driveways lighted at night and directly accessible to all manufactured homes, and shall have walkways to the various buildings, if any, which shall be paved and lighted.

B. Requirements for Development

1. Master Land Use Plan:

All applications for approval of a manufactured home park shall be accompanied by a master land use plan which shall include but not be limited to:

- a. The number of manufactured home spaces and their location.
- b. A plan showing the proposed street network including an analysis of anticipated traffic volumes on the proposed and existing streets.

- c. Planned parks, playgrounds and open space to be developed or preserved in accordance with Article VI, Section 6 of this ordinance and Section F of this Article.
- d. Plans for water and wastewater systems. If private wells and septic tanks are to be installed a statement from the Wake County Health Department shall be required indicating their approval of the proposed development.
- e. The master plan shall include the location of existing vegetation and natural areas and the applicant shall include a statement that these areas will be protected to the greatest extent possible with minimal clearance of existing vegetation.
- f. The delineation of areas to be constructed in phases or sections and the sequential order that will be followed in development, including a written statement from the applicant indicating the date for beginning each phase of construction and the estimated date of completion.

2. Detailed Site Plan and Construction Drawings

- a. Detailed engineering and construction plans of all on-site and off-site improvements in accordance with Section 12, Article VI, which may be submitted in phases, shall be submitted following approval of the master land use plan.
- b. Detailed plans that specify the types of wind and water erosion and sedimentation control practices which are to be employed during all phases of construction.
- c. The Planning Board may, when it deems advisable, require greater detail on any of the items specified in Section B of this Article.

C. Streets and Driveways

- 1. Access to the park shall be directly from a public maintained road. Two-way access streets within the park shall be paved twenty (20) feet wide. One-way streets shall be paved twelve (12) feet wide. The figures for these street widths are without parking allowances.
- 2. Reserved strip (adjoining paved surface). A strip six (6) feet wide and parallel to the paved surfaced of the street on both sides shall be reserved from use by the occupant except for driveways, walkways, and ornamental vegetation. No other uses shall be permitted within these strips.
- 3. No manufactured home shall have its means of access and egress directly from a dedicated street.

4. Closed ends of dead-end drives or roads exceeding 400 feet in length shall be provided with a cul-de-sac paved to a minimum of sixty (60) feet diameter.

D. Requirements for Manufactured Home Parks and Subdivision in the Flood Fringe Districts

1. The construction of a new manufactured home park, the expansion of an existing manufactured home park, the placement of a new manufactured home not in a manufactured home park or the substantial improvements of any or the above as permitted by this ordinance in a FFD shall be allowed only if the following criteria are met:
 - a. Ground anchors for tie downs are provided.
 - b. Tie down requirements:
 - 1) Over-the-top ties required at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with one additional tie per side for manufactured homes more than fifty (50) feet long.
 - 2) Frame ties are required in conjunction with each over-the-top tie.
 - 3) All components of the anchoring must be capable of carrying a force of 4,800 pounds.
 - c. Lots or pads are elevated on compacted fill or by any other method approved by the Town Engineer so that the lowest habitable floor of the manufactured home is at or above the regulatory flood level.
 - d. Adequate surface drainage and easy access for a manufactured home hauler are provided.
 - e. Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings no more than ten (10) feet apart, and if the support height is greater than 72 inches, the support must contain steel reinforcement.
2. In the event that a manufactured home location or relocation is not deemed to constitute the expansion of an existing manufactured home park as defined in Article III, the location or relocation shall be allowed provided that:
 - a. Any manufactured home moved into or relocated within an existing manufactured home park shall be anchored in accordance with the provisions in Article VIII, Section 3, C.1.b. and;
 - b. Easy access for a manufactured home hauler is provided.

E. External Yards, Screening, Buffering

1. The park shall have visual separation from all developed properties with a planted screen of eight (8) feet in height. No such screen shall, however, extend nearer to a street right-of-way than the established building line of adjoining lots.
2. No manufactured home shall be located closer than thirty (30) feet to any dedicated street right-of-way line or any exterior property line, and twenty (20) feet to any other manufactured home or building within the park.

F. Open Space

1. A minimum of fifteen (15) percent of the gross acreage shall be reserved for open space.
2. A minimum of fifty (50) percent of required reserved open space shall be dedicated for active recreation purposes and shall be developed for active recreational purposes as specified in Article VI, Section 6.

Recreation areas should be provided in a central location and convenient to park residents.

G. Manufactured Home Space

1. Size Requirements

For those spaces served by municipal water and sewer systems:

Minimum area	5,000 sq. ft.
Minimum lot width	50 ft.
Minimum lot depth	75 ft.
Minimum to any private park street line	20 ft.
Minimum side yards	8 ft.
Minimum rear yards	15 ft.

For those spaces served by public sewer system but not by public water system or by public water system but not public sewer system:

Minimum area	15,000 sq. ft.
Minimum lot	50 ft.
Minimum lot depth	75 ft.
Minimum to any private park street line	20 ft.
Minimum side yards	8 ft.

For those spaces that are not served by either public water or public sewer:

Minimum area.....	30,000 sq. ft.
Minimum lot width	75 ft.
Minimum lot depth	100 ft.
Minimum to any private park street line.....	20 ft.
Minimum side yards	10 ft.
Minimum rear yards.....	30 ft.

2. Stand Requirements

The surface of each manufactured home stand shall be graded for proper drainage and shall be covered by at least a sixty (60) square foot slab of concrete asphalt flagstone, gravel or crushed stone. The remainder of the space shall be graded for drainage and graded areas grassed to prevent erosion.

Each space shall contain a manufactured home stand which shall have water, sewer and electrical connections.

Each manufactured home space shall be clearly defined by means of a concrete or iron pipe marker placed at all corners.

All manufactured home spaces shall abut upon a street.

H. Utilities

In every manufactured home park all utility installations shall comply with applicable codes of the Town of Wake Forest, Wake County, North Carolina, and the requirements of the North Carolina Utilities Commission. Fire hydrants shall be installed only when attached to the Town of Wake Forest water system.

1. Sewage and Refuse Disposal

Each manufactured home park shall be connected to a public sewer system if available or to a system constructed in compliance with the regulations of the Wake County Health Department or the Division of Environmental Management, North Carolina Department of Natural and Economic Resources if a public municipal sewer system is unavailable. All sewage wastes from each manufactured home park, including water basins, refrigerator drains, sinks, faucets, and water using appliances not herein mentioned shall be piped into the manufactured home park sewage disposal system.

Each manufactured home space shall be provided with at least a three (3) inch diameter sewer riser pipe where collection systems are provided. The sewer riser pipe shall be so located on each space that the sewer connection to the manufactured home drain outlet will approximate a vertical position.

A 2 feet x 2 feet concrete apron shall be installed around all septic tank connection riser pipes for support and protection. The septic tank connections shall be located a distance of at least one hundred (100) feet from the well supply. The sewer connection shall have a nominal inside diameter of at least three (3) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be water tight including connection from trailer to sewer riser pipe.

All materials used for sewer connections shall be semi-rigid, corrosion resistant, non-absorbent, and durable. The inner surface shall be smooth.

Provision shall be made for plugging the sewer pipe when a manufactured home does not occupy a space. Surface drainage shall be diverted away from the rise. The rim of the riser pipe shall extend at least four (4) inches above ground elevation.

2. Water Supply

Each manufactured home park shall obtain water from a public water supply when available, or from a source approved by the Wake County Health Department, or the Division of Health Services, North Carolina Department of Human Resources.

The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry and general sanitary uses for each individual manufactured home shall be obtained from faucets or other plumbing connections located within each manufactured home.

3. Solid Waste Disposal

The storage, collection, and disposal of solid waste in the manufactured home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding area, accident or fire hazards or pollution.

All solid waste containing garbage shall be stored in standard fly tight, water tight, rodent-proof containers, with a capacity of not more than thirty-two (32) gallons which shall be located not more than 150 feet from any manufactured home lot. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing garbage. The manufactured home park management shall be responsible for the proper storage, collection and disposal of solid waste.

Stands shall be provided for all containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

All solid waste containing garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the manufactured home park operator shall provide this service. All solid waste containing garbage shall be collected and transported in covered vehicles or covered containers.

Where municipal or private disposal service is not available the manufactured home park operator shall submit a solid waste plan which shall be reviewed by the Town Engineer.

4. Fire Protection

Fire hydrants shall be installed so as to provide unobstructed access within a distance of five hundred (500) feet from any manufactured home space. The proposed utility system shall be approved by the Town Public Utilities Department.

5. Street Lights

All streets in the manufactured home park shall be adequately illuminated from sunset until sunrise. The minimum size street light shall be a 175 watt mercury-vapor (approximately 7,000 lumen class), or its equivalent, spaced at intervals of not more than three hundred (300) feet.

6. Accessory Uses

- a. One (1) manufactured home may be used as an administrative office within the manufactured home park.
- b. Convenience establishments of a commercial nature shall be limited to food stores, coin operated laundries, and beauty parlors and barber shops. These may be permitted in manufactured home parks subject to the following restrictions:
 - Such establishments shall be subordinate to the residential use and character of the park;
 - Such establishments shall present no visible evidence of their commercial character from any portion of any residential district outside the park; and
 - Such establishments shall be designed to serve the trade and service needs of the park residents only.
- c. The owner or operator of a manufactured home park shall not sell manufactured homes on or within a manufactured home park.

I. Manufactured Home Equipment

Each manufactured home shall be required to connect with the utilities provided at each manufactured home space, and shall install skirting around the entire manufactured home.

J. Procedure

The procedure for master plan and detailed plan consideration shall follow that required for a Planned Unit Development.

Section 12.4. Shopping Centers

A. General Requirements

All shopping centers shall require a development plan as follows:

1. Master Land Use Plan

All applications for approval of a special use permit for a shopping center shall be accompanied by a master land use plan which shall include but not be limited to:

- a. The number and location of buildings.
- b. A plan for traffic circulation and parking including an analysis of anticipated traffic volumes. A statement from the North Carolina State Highway Commission (Department of Transportation) shall be required to show they are aware of the project as it pertains to the existing street network.
- c. Plans for water and wastewater systems to be constructed in accordance with Town standards.
- d. Plans for access of fire fighting and refuse disposal equipment to include the method of refuse disposal.
- e. Plans for an adequate storm drainage system to be constructed in accordance with Town standards.
- f. The delineation of areas to be constructed in phases or sections and the sequential order that will be followed in development including a written statement from the applicant indicating the date for beginning each phase of construction and estimated date of completion.
- g. A soils map prepared according to the United States Cooperative Soils Survey Standards.

- h. Major outlying commercial developments shall require supporting evidence showing that there is sufficient market demand and the proposed development will not be in direct competition with the Central Business District.

2. Detailed Site Plans and Construction Drawings

- a. After approval of the master land use plan the developer shall submit detailed preliminary plat and construction drawings in accordance with Section III of the Subdivision Regulations.
- b. The Planning Board may, when it deems advisable, require greater detail on any of the items listed above.

B. Other Requirements

1. Site Area

- a. No shopping center site shall contain less than two (2) acres, except those centers locating in the HCBD, CBD and NB zoning districts. Shopping center sites locating in these districts shall have minimum lot sizes as required in the Dimensional Requirement section of the district in which it is located.
- b. Shopping centers shall be located to be of greatest convenience and service to the public.

2. Required Perimeter Yards

No building shall be less than fifty (50) feet from any street line or twenty-five (25) feet from any side or rear lot lines. For shopping center sites that are two (2) acres or less in size, all buildings shall comply with the minimum yard requirements of the district in which it is located.

3. Landscaping on Project Perimeters Required

Landscaping and buffering shall be required around and within the shopping center as per Article VI, Section 8.

4. Solid Waste Disposal

A plan for solid waste storage, collection and disposal shall be submitted to the Public Works Director and approved prior to the issuance of a special use permit.

5. Utilities

Shopping center development shall be located where public water, sanitary sewer and storm drainage utilities are available.

6. Road Facilities

Shopping center sites of more than ten (10) acres shall be tangent to two (2) or more major thoroughfares or one major thoroughfare and two (2) or more minor thoroughfares as designated on the Wake Forest Thoroughfare Plan.

Shopping center sites of between three and ten acres shall be tangent to one major thoroughfare and one minor thoroughfare as designed on the Wake Forest Thoroughfare Plan.

Shopping centers of less than three acres shall be served by a major or minor thoroughfare as designated on the officially adopted Wake Forest Thoroughfare Plan.

7. Maximum Permissible Lot Coverage

The total ground area covered by the principal buildings and all accessory buildings including any roofed area shall not exceed thirty (30) percent of the total area.

C. Procedure

The procedure to be followed for master plan and preliminary plat approval shall follow that required for a Planned Unit Development.

Section 12.5. Regulations for Special Uses in the Flood Hazard District

The Board of Commissioners shall review requests for special uses based on information and technical assistance provided by the Town Engineer regarding the proposed project in relation to flood heights and velocities, threatened erosion, the adequacy of the plans for flood erosion protection, the adequacy of drainage facilities, and other technical matters.

The Board of Commissioners shall determine the specific flood or erosion hazard of the site and shall evaluate the suitability of the proposed use in relation to the flood hazard, and if a permit is to be issued may attach appropriate conditions.

In passing upon such applications, the Board of Commissioners shall consider the technical evaluation of the engineer, all relevant factors, and standards specified in other sections of this ordinance, and

- the danger that materials may be swept onto other lands to the injury of others;
- the danger of life and property due to flooding or erosion damage;
- the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;

- the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- the importance of the services provided by the proposed facility to the community;
- the necessity to the facility of a waterfront location, where applicable;
- the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- the compatibility for the proposed use with existing development anticipated in the foreseeable future;
- the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- the safety of access to the property in times of flood for ordinary and emergency vehicles;
- the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Section 12.6. Bed and Breakfast Homes

A. Applications

A development plan in accordance with Article IX, Section 2 of this ordinance shall be submitted with any special use permit application for a bed and breakfast home.

B. Requirements

1. The Bed and Breakfast operation is located in a dwelling structure which was originally constructed as a single-family dwelling or as an inn;
2. There is no rooming house, boarding house, tourist home, or bed and breakfast home located within four hundred (400) feet (determined by a straight line and not street distance) of the facility;
3. The owner of the Bed and Breakfast Home or a resident manager is domiciled on the premise;
4. Breakfasts served on the premise are only for guests and guests of guests of the facility and no other meals are provided on the premise;
5. Off-street parking for the use will be provided as required under Article VII, Section 1.D. of this ordinance, specifically rooming or boarding houses.
6. Any exterior modifications shall be described in the application and shall not be injurious to the historic or architectural character of the structure.

7. A special use permit issued to one person or party for a bed and breakfast home is not transferable to another person or party.
8. Copies of all sanitation inspection reports conducted by the Division of Health Services, North Carolina Department of Human Resources shall be forwarded to the Town of Wake Forest.
9. Where permitted in residential zoning districts, the dwelling structure in which the Bed and Breakfast operation is located shall have a minimum building separation of forty (40) feet from surrounding principal structures.

Section 12.7. Zero Lot Line Development

A. Purpose

The principal purposes of the Zero Lot Line concept are: (1) to promote infill and increased density in developments of detached single-family dwellings while maintaining compatibility with surrounding single-family building styles, and thereby make more efficient use of the land as compared to conventional development patterns; (2) to make available needed housing at a more affordable cost; (3) to promote dwellings that integrate and maximize the utility of internal and external living areas.

B. General Requirements for Development

Detached, single-family dwellings on individual lots of record, where the structure is situated with at least one wall against a property line shall constitute a Zero Lot Line (ZLL) Development.

Submittals for approval shall be required as follows:

1. **Site Plan.** All applications for approval of a special use permit for a ZLL Development shall be accompanied by a site plan in accordance with the requirements of the Wake Forest Subdivision Regulations with the following additional requirements:
 - a. **Land Use.** The existing and proposed uses of the property within the subdivision and adjoining it, including green ways, active recreation areas, open space or common areas in square feet.
 - b. **Street and Lot Layout.** The proposed street layout, including any alleys or other access areas; and the lot layout, including lot dimensions and area, typical building footprint and percentage of building coverage.

- c. **Architectural Information.** Typical building floor plan and elevation showing square footage; building height, shape and dimension; and typical site elements such as walls and fences, patios or courtyards.

- 2. **Detailed Preliminary Plat and Construction Drawings.** After approval of the site plan the developer shall submit detailed preliminary plat and construction drawings of development in accordance with Article III of the Subdivision Regulations. Preliminary plats shall conform to the site plan.

The Planning Board or the Board of Commissioners may, when deemed advisable, require greater detail on any items listed in Section A of this article.

C. Procedures

1. Special Use Permit and Site Plan.

- a. The site plan accompanying the Special Use request shall be submitted to the Planning Department by the first Tuesday of the month.
- b. The Board of Commissioners shall convene a public hearing to consider the site plan; such public hearing to be held jointly with the Planning Board.
- c. A notice of public hearing shall be given in the same manner as for amendments to the Zoning Ordinance.
- d. Following the joint public hearing, the Planning Board shall review the plans and make a recommendation to the Board of Commissioners.
- e. No permit for construction of any on-site or off-site improvements in a ZLL Development shall be granted prior to final approval of the Zero Lot Line Development by the Board of Commissioners.
- f. The Board of Adjustment shall have no power to waive any requirements contained in this division.
- g. No phase or section of an approved ZLL Development shall be revised, enlarged or amended without that phase or section being first resubmitted to the Planning Board and the Board of Commissioners as provided for in this section.

2. Detailed Preliminary Plat and Construction Drawings.

Following approval of the site plan, the developer shall submit detailed preliminary plat and construction drawings in accordance with Article III of the Subdivision Regulations. Preliminary plat shall conform to the approved site plan. The Planning Board shall review all detailed plans and make a recommendation to

the Board of Commissioners. Final approval shall be granted by the Board of Commissioners.

D. Minimum Area Requirements

1. Minimum Development Size for ZLL Developments shall be six (6) lots.
2. Minimum Lot Size for ZLL Development shall conform to the standards of the applicable zoning district.
3. Minimum Lot Width for ZLL Developments shall be fifty (50) feet, and sixty (60) feet for peripheral lots.

E. Easements and Minimum Setbacks

1. Principal Dwelling

- a. Zero Lot Line Setback. For legal purposes, the setback for the wall situated against the lot line (zero-wall) shall be one inch (1") from the property line.
- b. Front Yard: Twenty feet (20')
- c. Non-Zero Side Yard, Interior lots: two (2) times the regular side yard setback of the district.
- d. Non-Zero Side Yard, Peripheral Lots and Corner Lots: twenty feet (20').
- e. Rear Yard: ten feet (10'). Zero-rear yard setback shall be permitted subject to plan review.

2. **Accessory Structures.** All structures which are clearly subordinate to the principal dwelling shall conform to the setback requirements for the applicable zoning district.

3. **Wall Maintenance Easement.** A perpetual wall maintenance easement shall be provided on the lot adjacent to the zero property line, which, with the exception of free-standing walls or fences, shall be kept clear of structures. The easement shall be shown on the plat and incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed upon in writing by the affected property owners. Roof overhangs may not encroach upon easement.

Easement Dimension: Five feet (5') for one-story buildings and Ten feet (10') for two-story buildings.

4. **Drainage and Utility Easements.** All ZLL Developments shall provide drainage and utility easements in accordance with the standards of the Subdivision Regulations.

F. Open Space Requirements

Open Space requirements for ZLL Developments shall be the same as the requirements for a standard single-family subdivision.

G. Design Standards

1. Site Design

- a. Lot Arrangement.** Cluster lot arrangements which maximize open space, lot privacy, and resource efficiency should be employed in ZLL Developments. Lots should be oriented with respect to solar alignment and other climatic features. Parallel lot arrangements shall also be permitted, but long streets and uniform setbacks are discouraged.
- b. Street frontage.** All lots shall have clear, direct frontage on a public street or approved access way.
- c. Alleys and Access ways.** Alleys and approved private access ways shall be permitted in ZLL Developments subject to plan review to provide ingress and egress to individual dwellings and/or to provide service and maintenance access or utility service. Alleys and approved access ways shall not be used for storage or parking.
- d. Maximum lot coverage.** The total lot area that may be covered by a building shall not exceed fifty percent (50%) of the total lot area.
- e. Landscape, Buffering, and Screening Requirements.** ZLL Developments are subject to the Landscape and Buffering Requirements of Article VI, Section 7 of the Zoning Ordinance. In addition, the use of decorative walls, hedges and screens to maximize privacy is encouraged. Every effort shall be made to preserve existing natural areas as much as is possible without creating undue hardship on the developer. Dwellings may be clustered so as to minimize the impact of development activities on natural features or environmentally significant or sensitive areas.
- f. Landscaping.** Landscape plantings on common areas and individual lots should be designed to maximize resource conservation. Native and drought tolerant species are encouraged.
- g. Street Trees.** Planting of trees in ZLL Developments shall conform to the requirements for a standard single-family subdivision as required by the Subdivision Regulations.

2. Architectural Features

- a. Structure orientation.** Each principal dwelling shall be situated with the zero-wall against the north property line. (In cases of design constraints, exceptions will be made subject to plan review.) Zero-walls shall be located on interior property lines only, and shall not abut existing developments or public rights-of-way. Common zero lot lines shall be permitted only in the case of site constraints in cluster developments, and subject to plan review. The use of varied setbacks, building heights, and roof lines is encouraged for visual interest.
- b. Building Type.** ZLL Developments are single-family subdivisions and the dwellings should conform to conventional single-family building style with the addition of the following specific requirements:
 - 1) The zero-wall shall be constructed of solid, maintenance-free, decorative material, and shall have no windows, doors, air-conditioning units, or any other openings or attachments.
 - 2) Atriums or courtyards shall be permitted to abut the zero property line, provided that they are enclosed by three (3) walls of the dwelling and by a solid wall of at least eight feet (8') in height on the zero lot line which is constructed of the same material as the dwelling's exterior.
 - 3) Dwellings should be designed to maximize integration of interior and exterior spaces, and should incorporate features such as courtyards, decks, patios, porches, and sunrooms.
 - 4) Building Height. No building shall exceed thirty-five feet (35') in height.
 - 5) Energy Conservation. Dwellings in ZLL Developments should be designed so as to maximize their resource efficiency.

H. Subdivision Review

It is the intent of this section that subdivision review under the Subdivision Regulations be carried out as an integral part of the review process for ZLL Developments. If any provisions of this section conflicts with the Subdivision Regulations, the more restrictive and/or detailed shall apply. Variances to any of these provisions may only be granted after a recommendation by the Planning Board and approval of the Board of Commissioners.

I. Supplementary Regulations

ZLL Developments shall adhere to all supplementary regulations specified in the Zoning Ordinance.

J. Definitions

1. **Accessway.** Approved private street or drive which provides a means of ingress and egress to two or more properties.
2. **Cluster Lot Arrangement.** Configuration of lots in which property is located in closer proximity than in conventional development, allowing for conservation of open space and efficient placement of site improvements.
3. **Common Zero Lot Line (Common Zero-wall).** Arrangement of dwellings in which the property line which the blank wall abuts is mutual to both properties. Similar to a duplex unit in conventional development.
4. **Parallel Lot Arrangement.** A conventional lot arrangement in which dwellings are located roughly perpendicular to a public street or approved accessway.
5. **Zero Lot Line/Zero Property Line.** Property line abutting the blank wall of the dwelling on the adjacent property.
6. **Zero-wall.** Blank wall of the structure which abuts a property line.

Figure 2. Building Footprints and Easements

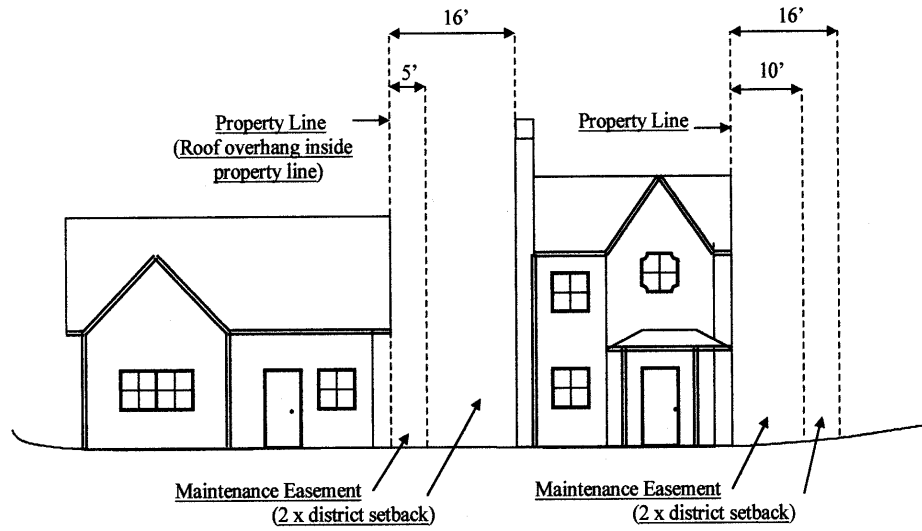
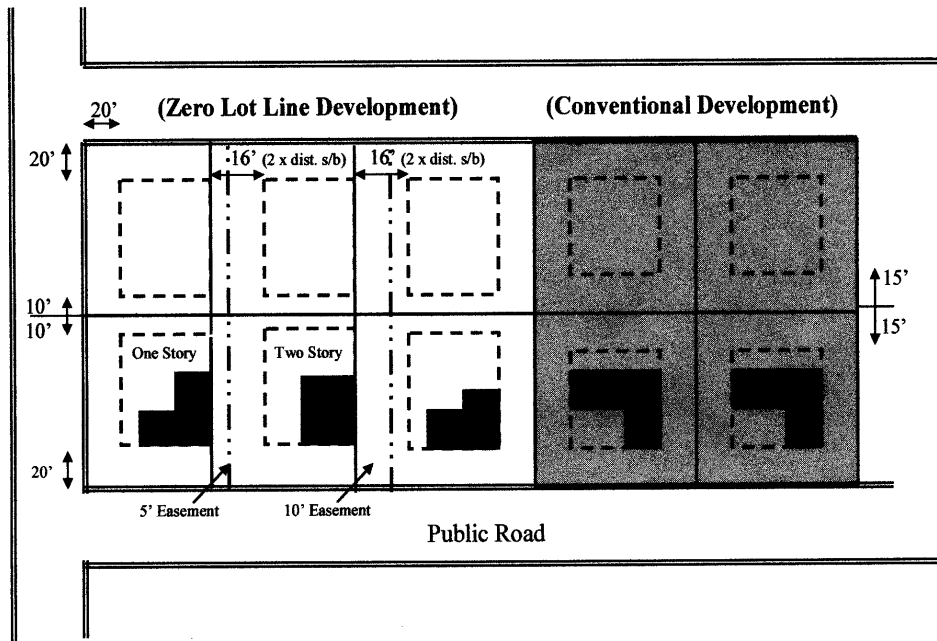


Figure 1. Easement & Setback Dimensions



Section 12.8. Telecommunications Towers

A. Applications

A development plan in accordance with Article IX, Section 2 of this ordinance shall be submitted with any special use permit application for a telecommunications tower.

B. Requirements

1. Towers located on an existing building or structure must not exceed by eighteen (18) feet the top of the building or structure;
2. Free-standing towers must:
 - a. Be located a minimum of two hundred (200) feet from any residence and fifty (50) feet from any public right-of-way.
 - b. Meet all other setback requirements of the district;
 - c. Be screened by a ten (10) foot "Type A" vegetative buffer and conform to all landscape requirements of Article VI. Section 7 of this ordinance.
 - d. Secure a Federal Aviation Administration permit for towers over two hundred (200) feet in height.
 - e. Must comply with all FAA regulations.

ARTICLE IX. ENFORCEMENT

Section 1. Administrative Officer

The Zoning Enforcement Officer is hereby authorized to enforce the provisions of this ordinance. In connection with his/her responsibilities with regard to flood hazard districts, the zoning enforcement officer shall implement the elevation and flood-proofing provisions of this ordinance and such other duties as are assigned to him herein including:

1. Reviewing proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law;
2. Notifying adjacent communities and the North Carolina Department of Environment and Natural Resources prior to any alteration or relocation of a water course, and shall submit evidence of such notification to the Federal Insurance Administration; and
3. Obtaining necessary engineering analysis to assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

Appeal from the decision of the Zoning Enforcement Officer shall be made to the Board of Adjustment.

Section 2. Development Permits

A development permit issued by the Zoning Enforcement Officer in conformity with the provisions of this ordinance shall be secured prior to the construction, addition, moving, demolition, reconstruction, repair, alteration, or change of use of any building or structure or portion thereof, property and privacy fences, use or change of use of land, or other development including, but not limited to, dredging, filling, grading, paving or excavation. In cases where the ordinance requires site plan review by the Board of Commissioners, the Zoning Enforcement Officer shall not issue a development permit until he has received written approval of the site plan proposals from the Board of Commissioners. A development permit shall be required for the purposes of maintaining, renewing, changing, or extending a non-conforming use. A development permit shall be required either for the whole or part of a building erected. No permit shall be issued for the purposes aforementioned until after a statement of its intended use or occupancy has been filed by the applicant.

A. Temporary Development Permits

The Zoning Enforcement Officer may issue a temporary development permit for bazaars, carnivals, religious revivals, construction offices, and similar uses. Such certificate shall be issued for a fixed period of time, but not to exceed ninety (90) days, and shall be subject to

such limitations as the Zoning Enforcement Officer may impose to protect the character of the district affected.

B. Application Procedures

Each application for a development permit shall be accompanied by a plan in duplicate, drawn to scale, one (1) copy of which shall be returned to the owner upon approval. If the property to be developed requires the use of a septic tank, the plan shall be accompanied by a letter of approval from the Wake County Health Department. The plan shall include:

1. The shape and dimensions of the lot on which the proposed building or use is to be constructed or conducted;
2. The location of the said lot with respect to adjacent rights-of-way;
3. The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;
4. The nature of the proposed use of the building or land, including the extent and location of the use, on the said lot;
5. The location and dimensions of off-street parking and loading space and the means of ingress and egress to such space, and
6. Any other information which the Zoning Enforcement Officer may deem necessary for consideration in enforcing the provisions of this ordinance.
7. If any portion of a lot is in Flood Hazard District, the application for a development permit shall also include plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials; and, the location of the foregoing, where applicable, in relation to mean sea level, drainage facilities, the regulatory flood protection elevation, and any applicable Flood Hazard Districts. The Zoning Enforcement Officer shall require verification of actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures prior to framing of said structure. The elevation information shall be maintained as public record.

C. Fee

A fee, as determined by the Board of Commissioners, shall be paid to the Town of Wake Forest, North Carolina for each application for a development permit to cover the administrative costs involved.

D. Construction and Use Shall be in Conformity with Plan

A development permit issued on the basis of plans and applications approved by the Zoning Enforcement Officer authorizes arrangement and construction only as set forth in the approved plans upon which the issuance of the certificate was based. Use, arrangement or construction at variance with that authorized shall be deemed in violation of this ordinance and punishable as provided by Article IV, Section 10.

Section 3. Certificate of Compliance

A Certificate of Compliance issued by the Zoning Enforcement Officer is required in advance of:

1. Occupancy or use of a building hereafter constructed, altered or moved.
2. Change of use of any building or portion thereof, or land.

A Certificate of Compliance, either for the whole or a part of a building or project shall be applied for coincident with the applications for a development permit and shall be issued within ten (10) days after the erection or structural alteration of such buildings, or part, shall have been completed in conformity with the provisions of this ordinance and the approved plan or approved site plan. A Certificate of Compliance shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance and to approved plans. If the Certificate of Compliance is denied, the Zoning Enforcement Officer shall state in writing the reasons for refusal and the applicant shall be notified on the refusal. A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

Section 4. Duties of Zoning Enforcement Officer, Board of Adjustment, Courts and Board of Commissioners as to Matters of Appeal

It is the intention of this ordinance that all questions arising in connection with the enforcement of this ordinance shall be presented first to the Zoning Enforcement Officer and that such questions shall be presented to the Board of Adjustment only on appeal from the Zoning Enforcement Officer; and that from the decision of the Board of Adjustment recourse shall be had to courts as provided by law. It is further the intention of this ordinance that the duties of the Board of Commissioners in connection with the ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as herein set out in the ordinance, and that the duties of the Board of Commissioners in connection with the ordinance, shall be only the duty of considering and passing upon any proposed amendment or repeal of the ordinance as provided by law.

ARTICLE X. CHANGES AND AMENDMENTS

The Board of Commissioners may amend, supplement or change the text regulations and zoning map according to the following procedures.

Section 1. Action by the Applicant

The following action shall be taken by the applicant:

A. Initiation of Amendments

Proposed changes or amendments may be initiated by the Board of Commissioners, Planning Board, Board of Adjustment, or by one or more interested parties.

B. Application

1. An application for any change or amendment to district boundaries, district designations, ordinance text, or to conditions of a Conditional Use Permit or Special Use Permit shall be filed with the Zoning Enforcement Officer using the appropriate application forms on file. Such application, together with all appurtenant documents and items, shall be filed in accordance with current town policy, schedules and procedures.
2. It is the intent of this ordinance that the applicant for rezoning to any district other than a Conditional Use District shall be prohibited from offering any testimony or evidence concerning the specific manner in which he intends to use or develop the property.

If the applicant believes that development of his property in a specific manner will lessen adverse effects upon surrounding properties, or otherwise make the rezoning more in accordance with principles underlying the city's comprehensive zoning plan, he shall apply for rezoning to the appropriate Conditional Use District and simultaneously apply for a Conditional Use Permit specifying the nature of his proposed development. No permit shall be issued for any development within a Conditional Use District except in accordance with an approved Conditional Use Permit.

3. A statement analyzing the reasonableness of a proposed zoning map amendment shall be prepared for each petition for a conditional use district or other small-scale amendment.

C. Fee

The appropriate non-refundable filing fee shall be paid to the Town of Wake Forest, North Carolina for each application for an amendment to cover the costs of advertising and other administrative expenses involved. The fee shall be waived in the case of Planning Board or Board of Commissioners application.

D. Withdrawal of the Application

The applicant (petitioner) can withdraw the request at any time. However, once the newspaper receives notification of advertising, the public hearing will be held. The applicant will not be refunded the application fee if the newspaper has been notified of advertising. If the public hearing is held, the Board of Commissioners has the option of tabling, denying, or taking no action on the request. If the request is denied, the applicant cannot make a similar request for a period of six (6) months.

E. Reapplication for Amendment

With the exception of requests originating with the Town staff, Planning Board, Board of Commissioners, or any advisory board, an application for any rezoning of the same property or an application for a similar amendment to the text of this ordinance shall not be permitted within six (6) months of the original public hearing unless waived by the Board of Commissioners as described in Section 3.D. of this article.

Section 2. Action by the Planning Board

- A. The Planning Board shall consider and make recommendations to the Board of Commissioners concerning each proposed zoning ordinance text or zoning map amendment. The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval by the Board of Commissioners.
- B. The Planning Board may hold separate public hearings or may sit concurrently with the public hearing by the Board of Commissioners.
- C. Members of the Planning Board shall not vote on recommendations regarding any zoning ordinance text or zoning map amendment where the outcome of the matter is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Section 3. Action by the Board of Commissioners

A. Notice and Public Hearing

- 1. Published Hearing Notice. Notice of public hearing shall be given once a week for two (2) consecutive calendar weeks in a newspaper of general circulation in Wake Forest, North Carolina. Said notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days prior to the date of the public hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall

be included. If a proposed zoning map amendment directly affects more than fifty (50) properties owned by a total of at least fifty (50) different property owners, the Town may elect to use the alternative method described in G.S.160A-384 subsection (b).

2. **Posted Hearing Notice.** For a zoning map amendment, notice shall also be made by prominently posting a notice of the public hearing on the subject property or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons.
3. **Mailed Hearing Notice.** For a zoning map amendment, the owner of that parcel of land as shown on the county tax listing and the owners of all parcels of land abutting that parcel as shown on the county tax listing, shall be mailed a notice of public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least ten (10) days but not more than twenty-five (25) days prior to the date of the public hearing. The person or persons mailing such notices shall certify to the Board of Commissioners that fact, and such certificate shall be deemed conclusive in the absence of fraud.

B. Board of Commissioners Action

Before taking such lawful action as it may deem advisable, the Board of Commissioners shall consider the Planning Board's recommendation on each proposed zoning ordinance text or zoning map amendment. If no written recommendation is received from the Planning Board within thirty (30) days of referral of the amendment, the Board of Commissioners may proceed in its consideration of the amendment without a recommendation of the Planning Board. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board. Prior to adopting or rejecting any zoning amendment, the Board of Commissioners shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Board considers the action taken to be reasonable and in the public interest. A simple majority of the Board of Commissioners shall be required to amend this ordinance following a favorable recommendation by the Planning Board. A three-fourths (3/4) majority vote by the Board of Commissioners shall be required to amend this ordinance when the Planning Board recommends against such amendment. Members of the Board of Commissioners shall not vote on any zoning ordinance text or zoning map amendment where the outcome of the matter is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

C. Protests

1. **Applicability and Voting.**
 - a. In case, however, of a qualified protest against a zoning map amendment, such amendment shall not become effective except by favorable vote of three-fourths (3/4)

of all the members of the Board of Commissioners. Vacant positions on the Board of Commissioners and members who are excused from voting shall not be considered members of the Board for calculation of the requisite three-fourths majority.

b. Qualified protests are not applicable to the following:

- 1) any zoning map amendment which initially zones property added to the territorial coverage of the zoning ordinance as a result of annexation or otherwise, and
- 2) an amendment to an adopted conditional use district if the amendment does not change the types of uses that are permitted within the district, or increase the approved density for residential development, or increase the total approved size of non-residential development, or reduce the size of any buffers or screening approved for the conditional use district.

c. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning map amendment.

2. Qualified Protest Petition.

No protest against any zoning map amendment shall be valid or effective for the purposes stated in subsection (C.1)(a) above unless:

- a. signed by the owners of either twenty (20) percent or more of the area included in the proposed zoning map amendment, or, five (5) percent of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be amended. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as the street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the town may rely on the county tax listing to determine the owners of potentially qualifying areas; and,
- b. written on a form prescribed and furnished by the Town; and,
- c. bears the actual signatures of the requisite number of the property owners and states that they protest the proposed amendment; and,
- d. received by the Town Clerk in time to allow at least two (2) normal working days (excluding weekends and legal holidays) prior to the public hearing on the amendment, so as to allow time for municipal personnel to check the accuracy and sufficiency of the petition.

D. Denial

When an application for rezoning or amendment is denied by the Board of Commissioners, re-applications involving the same property or amendment may not be submitted for a period of six (6) months; however, if the petitioner can demonstrate a substantial change in circumstances surrounding the proposed zoning change or amendment, then the Board of Commissioners may waive the six-month requirement and allow a re-application for the property previously involved. The burden of demonstrating change in circumstances shall be on the petitioner.

Section 4. Action of Changes and Amendments Effecting Water Supply Watershed Protection Rules

Under no circumstances shall the Planning Board recommend or the Board of Commissioners adopt such amendments, supplements or changes that would cause this ordinance to violate the Water Supply Watershed Protection Rules as adopted by the N. C. Environmental Management Commission. All amendments shall be filed with the N. C. Division of Environmental Management, N. C. Division of Environmental Health, and the N. C. Division of Community Assistance.

ARTICLE XI. BOARD OF ADJUSTMENT

Section 1. Creating the Board of Adjustment

There shall be and is hereby created a Board of Adjustment (hereinafter called the Board) consisting of five (5) members, including four (4) residents of the Town of Wake Forest and one (1) resident of the extraterritorial jurisdiction. All members of the Board shall have voting power on all matters of business. The Town resident members of the Board shall be appointed by the Board of Commissioners of the Town of Wake Forest. Residents of the extraterritorial jurisdiction shall be appointed by the Wake County Commissioners. The members of the Board shall have initial terms of office as follows: one (1) member appointed for a term of one (1) year; two (2) members appointed for terms of two (2) years (one of whom is an extraterritorial member); and two (2) members appointed for a term of three (3) years (one of whom is an extraterritorial member). At completion of the initial term of office for each member all additional appointment to vacancies of the Board shall be for three-year terms.

The Board of Commissioners or County Board of Commissioners, as appropriate may appoint two (2) alternate members to serve on the Board in the absence of any appointed member. One (1) alternate shall reside within the corporate limits of the Town of Wake Forest and shall attend any regular or special meeting of the Board in the absence of an inside member or whenever two (2) members are absent. One alternate shall reside within the town's extraterritorial planning jurisdiction and shall attend any regular or special meeting of the Board in the absence of an outside member, or whenever two members are absent. Alternate members shall be appointed for the same term, in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

Section 2. Meetings of the Board of Adjustment

The Board shall elect one of its members as Chairperson and shall appoint a secretary and such other subordinates as may be authorized by the Board of Commissioners. The Board shall draw up and adopt the rules of procedures under which it will operate. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson in his or her absence the acting attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his absence or failure to vote, indicating such fact, and also keep records of its examination and any other official action.

Section 3. Filing and Notice for an Appeal or Variance

Appeals from the enforcement and interpretation of this ordinance and requests for variances shall be filed with the Zoning Enforcement Officer specifying the grounds thereof. The Zoning Enforcement Officer shall transmit to the Board all applications and records pertaining to such appeals and variances. An appeal stays all proceedings in furtherance of the action appealed

from, unless the Zoning Enforcement Officer certifies to the Board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order, which may be granted by the Board or by a court of record on application or notice to the officer from whom the appeal is taken and due cause shown.

A. Hearing of the Appeal or Application for a Variance

After receipt of notice of an appeal, the Board Chairperson shall schedule the time for a hearing, which shall be at a regular or special meeting within thirty-six (36) days from the filing or such notice of appeal.

B. Notice

At least one (1) week prior to the date of the hearing the Town of Wake Forest shall furnish all adjoining property owners with written notice of the hearing.

C. Fee for Appeals or Variances

The appropriate filing fee, as determined by the Board of Commissioners, shall be paid to the Town of Wake Forest, North Carolina for each application for an appeal or variance to cover the necessary advertising and administrative costs.

Section 4. Powers and Duties

The Board of Adjustment shall have the following powers and duties:

A. Administrative Review

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Zoning Enforcement Officer or other administrative officials in the carrying out or enforcement of any provision of this ordinance. A concurring vote of four (4) members of the Board shall be necessary to reverse, wholly or partly any order, requirement, decision, permit, determination or refusal.

B. Variance

To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. No change in permitted uses may be authorized by a variance.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Such conditions and safeguards must be reasonably related to the condition or circumstance that gives rise to the need for a variance. A concurring vote of four (4) members of the Board shall be necessary to grant a variance from the terms of this ordinance. Vacant positions on the Board of Adjustment and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite super-majority if there are no qualified alternates available to take the place of such members.

A variance from the terms of this ordinance shall not be granted by the Board unless and until the following written findings are made:

1. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance;
2. That the variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit; and,
3. That the granting of the variance secures the public safety and welfare and does substantial justice.

The Board of Adjustment may consider a request for a minor variance from a water supply watershed protection requirement adopted pursuant to G.S. 143-214.5 and the rules adopted by the N. C. Environmental Management Commission, provided the requested variance does not result in any one or more of the following:

1. The complete waiver of a protection requirement;
2. The relaxation by a factor of more than ten (10) percent, of any protection requirement that takes the form of a numerical standard.

In addition, the Board of Adjustment shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed and entity using the watershed for water consumption where the variance is being considered. If granted, minor variances shall be filed with the Division of Environmental Management on or before January 1st of the following year. Major variance requests, as determined by the Board of Adjustment, that do not meet the above mentioned conditions, shall also be heard by the Board of Adjustment. If approved, a copy of the evidentiary hearing and record for a major variance request shall be submitted to the N. C. Environmental Management Commission for review and approval. Upon notification of a decision, the Board of Adjustment will issue an order granting or denying the major variance.

C. Conflicts

A member of the Board of Adjustment shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Section 5. Appeal from the Board of Adjustment

Appeal from the decision of the Board of Adjustment may be made to the Wake County Superior Court within thirty (30) days after the decision is made by the Board, but not thereafter.

ARTICLE XII. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its passage and adoption.

ARTICLE XIII. FLOOD DAMAGE PREVENTION ORDINANCE

Section 1. Statutory Authorization, Findings of Fact, Purpose and Objectives

A. Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the N.C. General Statutes, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of the Town of Wake Forest, North Carolina does ordain as follows:

B. Findings of Fact

1. The flood hazard areas of the Town of Wake Forest are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

C. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

4. Control filling, grading, dredging and other development which may increase erosion or flood damage; and,
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

D. Objectives

The objectives of this ordinance are:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
6. To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and,
7. To insure that potential home buyers are notified that property is in a flood area.

Section 2. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request from a review of the local administrator's interpretation of any provision of this ordinance or a request for a variance.

"Addition (to an existing building)" means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction. Any expansion of outside walls is an addition.

"Alluvial fan flooding" means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes or erosion, sediment transport, and deposition; and, unpredictable flow paths.

"Apex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet (1'-3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"Area of special flood hazard" is the land in the flood plain within a community subject to a one percent or greater chance of being equaled or exceeded in any given year.

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that lowest level or story which has its floor subgrade on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system. A breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. A wall with loading resistance of more than 20 pounds per square foot requires a professional engineer or architect's certificate.

"Building" means any structure built for support, shelter, or enclosure for any occupancy or storage.

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (a) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C or X to have the top of the elevated floor, or in the case of a building in Zones V1-V30, VE, or V to have the bottom of the lowest horizontal structural member of the elevated floor above the ground by means of pilings, columns (posts and piers), shear walls parallel to the flow of water and, (b) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, and X, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the area below is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 5, Part B(5) of this ordinance.

"Existing manufactured home park or manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for

which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.

"Expansion to an existing manufactured home park or subdivision" means the preparation of the additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs).

"Flood" or **"flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- the overflow of inland or tidal waters; and,
- the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

"Flood Insurance Rate Map (FIRM)" means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Floor" means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

"Functionally dependent facility" means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

"Highest Adjacent Grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

"Historic Structure" means any structure that is: (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State inventory of historic places; (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified (1) by an approved state program as determined by the Secretary of Interior, or (2) directly by the Secretary of Interior in states without approved programs.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound and engineering practices.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistance enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a **"recreational vehicle."**

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean Sea Level" means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

"National Geodetic Vertical Datum (NGVD)" as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed on or after the effective date of this ordinance.

"Non-conforming building or use" means any legally existing building or use which fails to comply with the provisions of the ordinance.

"Recreational vehicle" means a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Remedy a Violation" means to bring the structure or other development into compliance with State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means for floodplain management purposes, a walled and roofed building, a manufactured home, including a gas or liquid storage tank, or other man-made facilities or infrastructures that are principally above ground.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the

market value of the structure before the damage occurred. See definition of "***substantial improvement.***"

"Substantial improvement" means any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "***start of construction***" of the improvement. This term includes structures which have incurred "***substantial damage***", regardless of the actual repair work performed. The term does not, however, include either: (1) any project of improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or, (2) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Substantial improved existing manufactured home park or subdivision" means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction, or improvement commenced.

"Variance" is a grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 4 and 5 is presumed to be in violation until such time as that documentation is provided.

Section 3. General Provisions

A. Lands To Which This Ordinance Applies

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Wake Forest.

B. Basis for Establishing the Areas of Special Flood Hazard

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Boundary and Floodway Map, dated July 3, 1978, with accompanying maps and other supporting data, and any revision thereto are adopted by reference and declared to be a part of this ordinance.

C. Establishment of Development Permit

A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

D. Compliance

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

E. Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. Interpretation

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Wake Forest or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

H. Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50.00 or imprisoned for not more than 30 days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Wake Forest from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 4. Administration

A. Designation of Local Administrator

The Town Manager or his/her designee is hereby appointed to administer and implement the provisions of this ordinance.

B. Development Permit and Certification Requirements

Application for a Development Permit shall be made to the local administrator on forms furnished by him or her prior to any development activities. The Development Permit may include, but not be limited to plans in duplicate drawn to scale showing: the nature, location, dimensions, and elevations of the area in question; existing or proposed structures; and the location of fill materials, storage areas and drainage facilities. Specifically, the following information is required:

1. Where base flood elevation data is provided in accordance with Section 4, Part C (10), the application for a development permit within the Zone A on the Flood Insurance Rate Map shall show:
2. the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and
3. if the structure has been flood-proofed in accordance with Section 5, Part B (2), the elevation (in relation to mean sea level) to which the structure was flood-proofed.
4. Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.
5. Where any watercourse will be altered or relocated as a result of proposed development, the application for a development permit shall include: a description of the extent of watercourse alteration or relocation; an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation.
6. When a structure is flood-proofed, the applicant shall provide a certificate from a registered professional engineer or architect that the non-residential flood-proofed structure meets the flood-proofing criteria in Section 5, Part B (2).
7. A floor elevation or flood-proofing certification is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local administrator a certification of

the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work done within the twenty-one (21) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The local administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

C. Duties and Responsibilities of the Local Administrator

Duties of the Town Manager or his/her designee shall include, but not be limited to:

1. Review all development permits to assure that the requirements of this ordinance have been satisfied;
2. Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.
3. Notify adjacent communities and the N.C. Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
5. Prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Section 5 are met.
6. Obtain the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 4, Part B (5).
7. Obtain the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Section 4, Part B (5).
8. When flood-proofing is utilized for a particular structure, obtain certification from a registered professional engineer or architect in accordance with Section 5, Part B (2).

9. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.
10. When base flood elevation data or floodway data has not been provided in accordance with Section 3, Part B, obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, including data developed pursuant to Section 5, Part D (4), in order to administer the provisions of this ordinance.
11. Make on-site inspections of projects in accordance with Section 4, Part D.
12. Serve notices of violations, issue stop-work orders, revoke permits and take corrective actions in accordance with Section 4, Part D.
13. Maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
14. Annexation. Provide the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program with two (2) copies of the maps delineating new corporate limits within six (6) months from date of annexation or change in corporate boundaries.

D. Administrative Procedures

1. Inspections of Work in Progress: As the work pursuant to a permit progresses, the local administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the administrator has a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction at any reasonable hour for the purposes of inspection or other enforcement action.
2. Stop Work Orders: Whenever a building or part thereof is being constructed, reconstructed, altered or repaired in violation of this ordinance, the administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
3. Revocation of Permits: The local administrator may revoke and require the return of the development permit by notifying the permit holder in writing stating the reason for the

revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

4. **Periodic Inspections:** The local administrator and each member of his/her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
5. **Violations to be Corrected:** When the local administrator finds violations of applicable state and local laws, it shall be his/her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall each immediately remedy each of the violations of law in the property he/she owns.
6. **Actions in Event of Failure to take Corrective Action:** If the owner of a building or property shall fail to take prompt corrective action, the administrator shall give him/her written notice, by certified or registered mail to his/her last known address or by personal service,
 - a. That the building or property is in violation of the Flood Damage Prevention Ordinance;
 - b. That a hearing will be held before the local administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
 - c. That following the hearing, the local administrator may issue such order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
7. **Order to take Corrective Action:** If, upon a hearing held pursuant to the notice prescribed above, the administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he/she shall make an order in writing to the owner, requiring the owner to remedy the violation, within such period, not less than 60 days, the administrator may prescribe; provided, that where the administrator finds that there is imminent danger to life or other property, he/she may order that corrective action be taken in such lesser period as may be feasible.
8. **Appeal:** Any owner who has received an order to take corrective action may appeal from the order to the local elected governing body by giving notice of appeal in writing to the administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the administrator shall be final. The local governing

body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

9. Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the governing body following an appeal, he/she shall be guilty of a misdemeanor and shall be punished in the discretion of the court.

E. Variance Procedures

1. The Board of Adjustment as established by the Town of Wake Forest shall hear and decide appeals and requests for variances from the requirements of this ordinance.
2. Any person aggrieved by the decisions of the Board of Adjustment or any taxpayer may appeal such decision to the Court, as provided in Chapter 7A of the N. C. General Statutes.
3. Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
4. In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;
 - a. the danger that materials may be swept onto other lands to the injury of others;
 - b. the danger to life and property due to flooding or erosion damage;
 - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. the importance of the services provided by the proposed facility to the community;
 - e. the necessity to the facility of a waterfront location, where applicable;
 - f. the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - g. the compatibility of the proposed use with existing and anticipated development;
 - h. the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

- i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - k. the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
5. Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
7. Conditions for Variances:
- a. Variances may not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
 - b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - c. Variances shall only be issued upon all (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - d. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
 - e. The local administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Section 5. Provisions for Flood Hazard Reduction

A. General Standards

In all areas of special flood hazard the following provisions are required:

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
3. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damages;
4. Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding; and,
8. Any alteration, repair, reconstruction or improvements to a structure which is in compliance with the provisions of this ordinance, shall meet the requirements of "***new construction***" as contained in this ordinance.
9. Non-conforming Buildings or Uses. Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this ordinance. Provided, however nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective of this ordinance and located totally or partially within the Floodway Zone, provided that the bulk of the building or structure below base flood elevation in the Floodway Zone is not increased and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

B. Specific Standards

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 3, Part B, or Section 4, Part C (10), the following provisions are required:

1. Residential Construction. New construction or substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor, including

basement, elevated no lower than (1.0 foot) above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.

2. Non-residential Construction. New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes) shall have the lowest floor, including basement, elevated no lower than (1.0 foot) above the level of the base flood elevation. Structures located in A-zones may be flood-proofed in lieu of elevation provided that all areas of the structure below the required elevation are water tight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article IV, Section B (5).
3. Manufactured Homes.
 - a. Manufactured homes that are placed or substantially improved on sites (i) outside a manufactured home park or subdivision; (ii) in a new manufactured home park or subdivision; (iii) in an expansion to an existing manufactured home park or subdivision; or, (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - b. Manufactured homes that are to be placed or substantially improved on sites in an existing manufactured home park or subdivision that are not subject to the provisions of Section 5, Part B (3a) of this ordinance must be elevated so that the lowest floor of the manufactured home is elevated no lower than one (1) foot above the base flood elevation, and be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement.
 - c. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. For the purpose of this requirement, manufactured homes must be anchored to resist flotation, collapse, or lateral movement in accordance with the Regulations for Manufactured Homes and Modular Housing adopted by the Commissioner of Insurance pursuant to NCGS 143.143.15. Additionally, when the elevation would be met by an elevation of the chassis at least 36 inches or less above the grade at the site, the chassis shall be supported by reinforced piers or other foundation elements of at least equivalent strength. When the elevation of the chassis is above 36 inches in height an engineering certification is required.

- d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by local administrator and the local Emergency Management Coordinator.
- 4. **Recreational Vehicles.** A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions. Recreation vehicles placed on sites shall either:
 - a. be on site for fewer than 180 consecutive days;
 - b. be fully licensed and ready for highway use; or
 - c. meet the requirements of Section 4, Part B and Section 5, Part A and B (3).
- 5. **Elevated Buildings.** New construction or substantial improvements of elevated buildings that include fully enclosed areas that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to preclude finished living space and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
 - a. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - 1) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than one foot above grade; and,
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - b. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose storage areas.
- 6. **Temporary Structures.** Prior to the issuance of a development permit, for a temporary structure, the following requirements must be met:

- a. All applicants must submit to the local administrator a plan for the removal of such structure(s) in the event of a hurricane or flash flood notification. The plan must include the following information:
 - 1) the name, address and phone number of the individual responsible for the removal of the temporary structure;
 - 2) The time frame prior to the event at which a structure will be removed;
 - 3) A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed; and
 - 4) Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.
 - b. The above information shall be submitted in writing to the local administrator for review and written approval.
7. Accessory Structure. When accessory structures (sheds, detached garages, etc.) with a value of \$3,000 or less, are to be placed in the floodplain the following criteria shall be met:
 - a. Accessory structures shall not be used for human habitation;
 - b. Accessory structures shall be designed to have low flood damage potential;
 - c. Accessory structures shall be firmly anchored in accordance with Section 5, Part A(1); and
 - d. Service facilities such as electrical and heating equipment shall be elevated in accordance with Section 5 Part A(4).
8. Floodways. Located within areas of special flood hazard established in Section 3, Part B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and has erosion potential. The following provisions shall apply within such areas:
 - a. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood. Such certification and technical data shall be presented to the local administrator.

- b. If Section 5, Part B (6)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 5.
- c. No manufactured homes shall be permitted, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring and the elevation standards of Section 5, Part B(3) are met.

C. Standards for Streams Without Established Base Flood Elevations and/or Flood ways

Located within the areas of special flood hazard established in Section 3, Part B, are small streams where no base flood data has been provided or where no flood ways have been identified. The following provisions apply within such areas:

- 1. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of the stream bank equal to five (5) times the width of the stream at the top of bank or twenty (20) feet each side from top of bank, whichever, is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- 2. If Section 5, Part C (1) is satisfied and base flood elevation data is available from other sources, all new construction and substantial improvements within such areas shall comply with all applicable flood hazard ordinance provisions of Section 5 and shall be elevated or flood-proofed in accordance with elevations established in accordance with Section 4, Part C (10). When base flood elevation data is not available from a federal, state or other source, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.

D. Standards for Subdivision Proposals

- 1. All subdivision proposals shall be consistent with the need to minimize flood damage;
- 2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- 3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards; and,
- 4. Base flood elevation data shall be provided for subdivision proposals and other proposed development which is greater than the lesser of fifty (50) lots or five (5) acres.

E. Standards for Areas of Shallow Flooding (AO Zones)

Located within the areas of special flood hazard established in Section 3, Part B, are areas designed as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet (1'-3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions shall apply within such areas;

1. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.
2. All new construction and substantial improvements of non-residential structures shall;
 - a. have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or,
 - b. be completely flood-proofed together with attendant utility and sanitary facilities to or above that level so that any space below that level is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.